

NOTICE OF MEETINGS AND ELECTION

**ANNUAL TOWN ELECTION
TUESDAY, MARCH 30, 2004
7:00 A.M. – 8:00 P.M.**

Precinct 1 – Nagog Woods Club House – 100 Nonset Path
Precinct 2 – Conant School – 80 Taylor Road
Precinct 3 – Blanchard Auditorium, R. J. Grey Junior High School – Charter Road
Precinct 4 – Blanchard Auditorium, R. J. Grey Junior High School – Charter Road
Precinct 5 – Blanchard Auditorium, R. J. Grey Junior High School – Charter Road
Precinct 6 – Conant School – 80 Taylor Road

**ANNUAL TOWN MEETING
MONDAY, APRIL 5, 2004
7:00 P.M.**

Acton-Boxborough Regional High School Auditorium

Note: Copies of the detailed Municipal Operating Budget are available at: Memorial Library, West Acton Citizens' Library, Acton Police Station and Town Hall. Copies will also be available at the Town Meeting.

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| Article AM * | Elderly Tax Relief – |
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| | 32¶ |
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| Article AO | Town Operating |
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Board of Selectmen's Message

To Be Composed

Board of Selectmen

Town Manager's Message

TO BE COMPOSED

Respectfully submitted,

Don P. Johnson
Town Manager

Municipal General Fund Spending

| FY03 | FY04 A-Budget | Percent Change | A-Budget Comments: Changes from the December Budget | FY04 B-Budget | Percent Change | B-Budget Comments: Changes from the A-Budget |
|------|------------------|-------------------|--|------------------|-------------------|---|
|------|------------------|-------------------|--|------------------|-------------------|---|

Municipal General Fund Spending

| FY03 | FY04 A-Budget | Percent Change | A-Budget Comments: Changes from the December Budget | FY04 B-Budget | Percent Change | B-Budget Comments: Changes from the A-Budget |
|------|------------------|-------------------|--|------------------|-------------------|---|
|------|------------------|-------------------|--|------------------|-------------------|---|

Finance Committee's Message

Last year, town officials promised no override for FY05. The budgets that you see before you fulfill that commitment. However, it comes at a very high cost. In balancing the budget without an override, the town will draw down, in rough numbers, \$2.2 million in free cashⁱ, \$240,000 from the Regional School's Excess and Deficiency (E&D)ⁱⁱ account, but no money from the overlay surplusⁱⁱⁱ. In addition, the town was fortunate to receive \$241,000 in either reduced assessment or Pothole funds related to the Minuteman Regional HS assessment. These funds are truly one time events – unlike the recurring one-time events you read about in the corporate financial reports.

For FY05, the Finance Committee supports the maximal use of free cash, use of funds from the Regional School's Excess and Deficiency (E&D) account, but no use of overlay surplus. Using these reserves combined with reductions in municipal staff and school staff, no override will be needed in FY05. However, it must be noted that little if any maintenance of a capital nature is included in these budgets. Should a major capital maintenance problem occur during the year, our ability to deal with it will be severely constrained as a result of using our reserves to fund operations.

The Town will not have the aforementioned funds available in FY06. Assuming no change in state aid and no further reduction in town or school staff, the projected increases in personnel expenses, pension costs and health insurance premiums are well above 2½%. Even with reductions in personnel and programs, an override will be required since our reserves will have been depleted to a bare level. A note on the pension costs: to a large degree, the increased pension costs are due to mismanagement of the investments. This has been reported in the Boston Globe. One selectman, Trey Shupert was so vociferous in testimony before the state legislators that he was termed a pit bull. We need more pit bulls.

Depending on how you forecast reserves for FY06, the Town is left with about \$1.2 million or roughly 2% of FY05 budget in reserves. This is an extremely low level and it is for this reason that the Finance Committee did not recommend the use of \$200,000 from the overlay surplus.

A few words regarding the Pothole funds: the Finance Committee in August, 2003 identified an unjust assessment from Minuteman Regional HS based on faulty Department of Education data. With the support of the Board of Selectmen and School Committees we successfully argued the case before our legislators, applied for and received a \$200,000 award from the state's Foundation Reserve (Pothole) Fund. Special thanks to our state Representatives Jamie Eldridge, Cory Atkins, and Senator Pam Resor for advocating Acton's case. Thanks also to Finance Committee members David Stone and Jonathan Chinitz in digging out the facts. Minuteman Regional HS also received a Foundation Reserve Fund award and distributed \$36,735 to Acton. During this process, another error was discovered in the Minuteman Assessment. Based on this correction, Acton's assessment will be reduced by another \$4,300 this year. This brings the total additional savings and revenue to over \$241,000. You can view a copy of our presentation to our legislators at:

<http://doc.acton-ma.gov/docushare/dsweb/Get/Document-2126/Minuteman.pdf>

All may not be doom and gloom. The economy is showing shows of recovery. Tax receipts for the state is improving. The Governor has committed to fully fund the School Building Assistance Program. (However, the check isn't in the mail and hasn't even been written.) The Town is blessed with many households with high wealth and income. The citizens value education and municipal services and voted to support overrides and capital exclusions. Standard and Poor in February reviewed the Town's credit rating and re-affirmed its AA+

As we move into FY05 and plan for FY06, Acton citizens will face many difficult choices. By FY06, the town will have drawn down its reserves to a barely acceptable level. Absent a strong economic recovery, increased state aid or increased tax receipts, the citizens will have to make difficult choices in schools, municipal services and taxes, i.e. an override.

¹ Free Cash

Unrestricted funds from operations of the previous fiscal year that are certified by the Director of Accounts as available for appropriation.

¹ Excess and Deficiency

Also called the "surplus revenue" account, this is the amount by which cash, accounts receivable, and other assets exceed a regional school district's liabilities and reserves as certified by the Director of Accounts.

¹ Overlay Surplus

Any balance in the overlay (An account established annually to fund anticipated property tax abatements, exemptions and uncollected taxes in that year) account of a given year in excess of the amount remaining to be collected or abated can be transferred into this account. Overlay surplus may be appropriated for any lawful purpose. At the end of each fiscal year, unused overlay surplus is "closed" to surplus revenue and becomes a part of free cash.

Acton Leadership Group Plan

Summary

Revenue Analysis

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Version ~~3~~₄ – February ~~27~~₇, 2004 – 10

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Acton Leadership Group Plan

Cherry Sheet Analysis

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Acton Leadership Group Plan

Free Cash Analysis

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Acton Leadership Group Plan
General Fund Spending Summary

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Acton Leadership Group Plan
Acton-Boxborough Regional School Analysis

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Acton Leadership Group Plan
Acton-Boxborough Regional School Analysis

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**TOWN OF ACTON
ANNUAL TOWN MEETING WARRANT**

Commonwealth of Massachusetts, ss.

To either of the Constables of the Town of Acton, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the legal voters of said Town of Acton, qualified to vote at Town Meetings for the transaction of town affairs, to meet in their respective precincts to wit:

Precinct 1 – Nagog Woods Club House – 100 Nonset Path
Precinct 2 – Conant School – 80 Taylor Road
Precinct 3 – Blanchard Auditorium, R. J. Grey Junior High School – Charter Road
Precinct 4 – Blanchard Auditorium, R. J. Grey Junior High School – Charter Road
Precinct 5 – Blanchard Auditorium, R. J. Grey Junior High School – Charter Road
Precinct 6 – Conant School – 80 Taylor Road

On Tuesday, March 30, 2004 between 7:00 A.M. and 8:00 P.M., by posting a copy of this warrant by you attested, at each of the places as directed by vote of the Town, fourteen days at least before the thirtieth day of March 2004,

To bring their votes on one ballot for the following officers:

Moderator for one year, two Selectman for three years, two members of the School Committee for three years, one Trustee of the Memorial Library for three years, one member of the Housing Authority for five years.

In addition, the Acton Water District will elect a Commissioner for three years.

You are also to notify legal voters aforesaid to meet at the Acton-Boxborough Regional High School Auditorium in said Acton on **Monday, April 5, 2004, at 7:00 P.M.**, then and there to act on the following articles:

Legend

One or more of the following symbols may follow an Article number:

| <u>Symbol</u> | <u>Description</u> |
|----------------------|--|
| * | This article is on the Consent Calendar |
| # | This article submitted by Citizen Petition |

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Consent Calendar

In an effort to streamline Town Meeting, the Board of Selectmen has decided to continue the concept of a Consent Calendar. The use of this Calendar speeds the passage of articles which the Selectmen feel should generate no controversy and can be properly voted without debate. The purpose of the Consent Calendar is to allow motions under these articles to be acted upon as one unit and to be passed without debate.

The Consent Calendar will be taken up as the first order of business.

Please do your homework. If you have any questions about the consent articles, motions or procedure, please feel free to contact the official listed in the summary of the article or to contact the Town Manager's Office, by e-mail at manager@acton-ma.gov or by telephone at (978) 264-9612, before Town Meeting.

At the call of the Consent Calendar, the Moderator will call out the numbers of the Articles, one by one. If two or more voters object to any particular Article being included in the Consent Calendar, they should say the word "**Hold**" in a loud voice when the number is called. The Article is then removed from the Consent Calendar and restored to its original place in the Warrant, to be debated and voted in the usual manner. After the calling of the individual items in the Consent Calendar, the Moderator will ask that all remaining articles be passed **as a unit** by the voters.

Please carefully review the list of articles and motions proposed for each Consent item that follows. Complete summaries are included with each article printed in this warrant.

Consent Calendar Articles and Motions

Article AC * Council on Aging Van Enterprise Budget

Move that the Town appropriate \$74,411 for the purpose of operating the Town of Acton Senior and Disabled Citizen Van service, and to raise such amount, \$49,411 be transferred from the Council on Aging Enterprise Fund and \$25,000 be raised and appropriated.

Article AD * Nursing Enterprise Budget

Move that the Town appropriate \$608,490 for the purpose of operating the Public Health Nursing Service, and to raise such amount, \$608,490 be transferred from the Nursing Enterprise Fund.

Article AE * Septage Disposal Enterprise Budget

Move that the Town appropriate \$209,399 for the purpose of septage disposal, and to raise such amount, \$209,399 be transferred from the Septage Disposal Enterprise Fund.

Article AF * Sewer Enterprise Budget

Move that the Town appropriate \$1,534,115 for the purpose of operating the sewer system, and to raise such amount, \$1,534,115 be transferred from the Sewer Enterprise Fund.

Article AG * Section 53E½ Self-Funding Programs

Move that the revolving funds for the Local School System, Historic District Commission, Building Department, Sealer of Weights and Measures, Health Department, and Fire Department be continued for FY04 in the amounts and for the purposes set forth in the expense column of this Article.

Article AH * Chapter 90 Highway Reimbursement Program

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Move that the Town Manager is authorized to accept Highway funds from all sources and such funds are hereby appropriated for highway purposes.

Article AI * Insurance Proceeds

Article AJ * Federal and State Reimbursement Aid

Move that the Town Manager is authorized to accept federal and state reimbursement funds from all sources and such funds are hereby appropriated for the purposes outlined by such reimbursement.

Article AK * Sale of Foreclosed Properties

Move in the words of the Article.

Article AL * Transfer of Funds, Cemetery Land Fund

Article AM * Elderly Tax Relief – Reauthorize Chapter 73 of the Acts of 1986

Move that the Town continue to accept the provisions of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, providing for a 100% increase in certain property tax exemptions.

Article AU * Street Acceptance – Bellows Farm Subdivision

Move that the Town accept as public ways the streets listed in the Article, as laid out by the Board of Selectmen, according to the plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout.

Article AV * Street Acceptance – Maple Creek Farm Subdivision

Move that the Town accept as public ways the streets listed in the Article, as laid out by the Board of Selectmen, according to the plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout.

Article AW * Street Acceptance – North Acton Woods Subdivision

Move that the Town accept as public ways the streets listed in the Article, as laid out by the Board of Selectmen, according to the plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout.

Article AX * Land Gift – 190 Arlington Street

Move to accept the land as set forth in the Article.

Article AY * Land Gift – North Acton Woods Subdivision

Move to accept the land as set forth in the Article.

Article AZ * Squirrel Hill Road Drainage Easement

Move to accept the easement as set forth in the Article.

Article BA * Squirrel Hill Road Drainage Easement

Move to accept the easement as set forth in the Article.

Article BC * Amend Town Charter

Move to adopt the Charter amendments as set forth in the Article.

Article CE * Sidewalk Easement – Arlington Street

Move to accept the easement as set forth in the Article.

**Note to the Board: These two Articles are not funded
in the Manager’s budget recommendations.**

Article CB * Town Board Support – Special Projects

Move that the Town raise and appropriate \$XX for the ongoing expenses of the Acton-Boxborough Cultural Council.

Article CC * Plowing of Private Ways

Move that the Town raise and appropriate \$XX, to be expended by the Town Manager, for plowing of private ways open to public use, as designated by the Board of Selectmen.

Donald MacKenzie
Town Moderator

Articles

ARTICLE AA

(Majority vote)

CHOOSE TOWN OFFICERS

To choose all necessary Town Officers and Committees and to fix the salaries and compensation of all the elective officers of the Town as follows:

| | |
|------------------------------|----------------------------------|
| Moderator | \$20.00 per Town Meeting session |
| Board of Selectmen, Chairman | \$750.00 per year |
| Board of Selectmen, Member | \$650.00 per year |

, or take any other action relative thereto.

SUMMARY

This article provides for the election of Trustees of the Elizabeth White Fund, Trustees of the West Acton Fireman's Relief Fund, Trustees of the Goodnow Fund and Trustees of the Citizens' Library Association of West Acton and establishes the salaries of the Town's elected officials.

Selectman assigned: – E-mail: bos@acton-ma.gov

Board of Selectmen:

Finance Committee:

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ARTICLE AB
(Majority vote)

HEAR AND ACCEPT REPORTS

To see if the Town will accept reports and hear and act upon the report of any committee chosen at any previous Town Meeting that has not already reported, or take any other action relative thereto.

SUMMARY

This article provides for the acceptance of the Annual Town Report, any other reports Town Boards and Committees may need to offer, and to offer for acceptance, any reports of committees chosen at previous Town Meetings.

Selectman assigned: E-mail: bos@acton-ma.gov

Board of Selectmen:
Finance Committee:

.....

ARTICLE AC *
(Majority vote)

COUNCIL ON AGING VAN ENTERPRISE BUDGET

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$74,411, or any other sum, to operate the Senior Van Service, in accordance with Massachusetts General Laws, Chapter 44, Section 53 F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests an appropriation to fund van service for use by senior citizens and disabled citizens of the Community. This article requests that \$74,411, inclusive of fares from the users of the van's service, be used for maintaining the service. This 40-hour per week van service is funded by the Federal, State and Local Governments. 50% of the service is paid by Federal funds, 25% of the service is paid by the Commonwealth, and the final 25% is absorbed by the Town. Fare rates are determined by the Lowell Regional Transit Authority. Revenues will be used to reduce the Town's share of total costs. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the Enterprise or to reduce user fees. Fund status is noted below (for Budget detail see Municipal Supplement).

| Fund Balance 6/30/03 | Budgeted Revenue FY04 | Budgeted Expense FY04 | Est. Fund Balance 6/30/04 | Budgeted Revenue FY05 | Budgeted Expense FY05 | Est. Fund Balance 6/30/05 |
|----------------------------|-----------------------------|-----------------------------|---------------------------------|-----------------------------|-----------------------------|---------------------------------|
| \$8,634 | \$63,566 | \$72,200 | \$0 | \$74,411 | \$74,411 | \$0 |

Direct inquiries to:

Jean Fleming, Director, Council on Aging – seniorcenter@acton-ma.gov – (978) 264-9643

Selectman assigned: – E-mail: bos@acton-ma.gov

Board of Selectmen:

Finance Committee:

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To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$608,490, or any other sum, to provide Public Health and Visiting Nurse Services, in accordance with Massachusetts General Laws, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests an appropriation for the Nursing Service Enterprise Fund. An Enterprise Fund permits the Nursing Service to offset its costs with fees for service. These fees are deposited in a separate account and may be expended to pay part or all of the anticipated costs of running the Nursing Service. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the Enterprise or to reduce user fees. Fund status is noted below (for Budget detail see Municipal Supplement).

| Fund Balance 6/30/03 | Budgeted Revenue FY04 | Budgeted Expense FY04 | Est. Fund Balance 6/30/04 | Budgeted Revenue FY05 | Budgeted Expense FY05 | Est. Fund Balance 6/30/05 |
|----------------------------|-----------------------------|-----------------------------|---------------------------------|-----------------------------|-----------------------------|---------------------------------|
| \$362,042 | \$583,704 | \$583,704 | \$362,042 | \$608,500 | \$608,490 | \$362,052 |

Direct inquiries to: Doug Halley, Health Director – health@acton-ma.gov – (978) 264-9634
Selectman assigned: – E-mail: bos@acton-ma.gov

Board of Selectmen:

Finance Committee:

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ARTICLE AE *
(Majority vote)

SEPTAGE DISPOSAL ENTERPRISE BUDGET

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$209,399, or any other sum, for the purpose of septage disposal, in accordance with Massachusetts General Laws, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests that the receipts from septage haulers, licensing of septage haulers, licensing of septic system inspectors, licensing of septic installers, and disposal works construction permit fees be used for the purpose of allowing septage collected within Acton to be taken to a water pollution abatement facility and to maintain the Town's septage waste disposal program. These fees will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of septage waste disposal. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the Enterprise or to reduce user fees. Fund status is noted below (for Budget detail see Municipal Supplement).

| Fund Balance 6/30/03 | Budgeted Revenue FY04 | Budgeted Expense FY04 | Est. Fund Balance 6/30/04 | Budgeted Revenue FY05 | Budgeted Expense FY05 | Est. Fund Balance 6/30/05 |
|----------------------------|-----------------------------|-----------------------------|---------------------------------|-----------------------------|-----------------------------|---------------------------------|
| \$78,495 | \$222,414 | \$222,414 | \$78,495 | \$209,399 | \$209,399 | \$78,495 |

Direct inquiries to: Doug Halley, Health Director – health@acton-ma.gov – (978) 264-9634
Selectman assigned: – E-mail: bos@acton-ma.gov

Board of Selectmen:
Finance Committee:

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ARTICLE AF *
(Majority vote)

SEWER ENTERPRISE BUDGET

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$1,534,115 or any other sum, for the purpose of operating and maintaining a sewer collection and treatment facility, in accordance with Massachusetts General Laws, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests monies for operation of the municipal sewer system. Sewer charges, private sewer treatment plant fees, connection fees, sewer inspector fees, betterments, State and Federal aid for Sewers, and any other income derived from the operation of the municipal sewer system will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of sewerage disposal for the system. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the enterprise fund or to reduce user fees.

| Fund Balance 6/30/03 | Budgeted Revenue FY04 | Budgeted Expense FY04 | Est. Fund Balance 6/30/04 | Budgeted Revenue FY05 | Budgeted Expense FY05 | Est. Fund Balance 6/30/05 |
|----------------------------|-----------------------------|-----------------------------|---------------------------------|-----------------------------|-----------------------------|---------------------------------|
| \$585,516 | \$1,404,437 | \$1,454,750 | \$535,203 | \$1,534,115 | \$1,534,115 | \$535,203 |

Direct inquiries to: John Murray, Assistant Town Manager – manager@acton-ma.gov – (978) 264-9612
Selectman assigned: – E-mail: bos@acton-ma.gov

Board of Selectmen:
Finance Committee:

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ARTICLE AG *
(Majority vote)

SECTION 53E½ SELF-FUNDING PROGRAMS

To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 44, Section 53E½ to continue revolving funds for the Local School System, to be expended by the Superintendent of Schools; and for the Historic District Commission, Building Department, Sealer of Weights and Measures, Health Inspectional Services, Ambulance Fees and Fire Department Fire Alarm Network, to be expended by the Town Manager, as noted below:

| Fund | FY05 Estimated Revenue | FY05 Authorized Expenditure |
|---|---------------------------|--------------------------------|
| School Department | \$100,000 | \$100,000 |
| Douglas at Dawn/Dusk | \$30,000 | \$300,000 |
| Merriam Mornings/Afternoons/Summer | \$30,000 | \$30,000 |
| Gates Amazing Programs | | |
| Historic District Commission | \$600 | \$600 |
| Building Department | \$166,100 | \$166,069 |
| Includes fees for Microfilming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees | | |
| Sealer of Weights and Measures | \$11,000 | |
| Health Department | | |
| Food Service Inspections | \$20,100 | \$20,089 |
| Hazardous Materials Inspections | \$84,100 | \$84,088 |
| Fire Department | | |
| Fire Alarm Network | \$486,600 | 48,525 |
| Ambulance Fees | \$402,000 | \$402,000 |

, or take any other action relative thereto.

SUMMARY

This article allows the Schools and Town to fully fund the extended day/summer programs of the Local Schools, Historic District Commission activities, Building Department inspectional programs, Sealer of Weights and Measures services, specified ongoing Health inspectional programs, Ambulance Fees and the Town-wide Fire Alarm Network from their respective receipts and fund balance. This article removes the cost of these services from the tax base. Fees are deposited in a separate account and may be expended to pay all or part of the anticipated costs of operating each program. If income exceeds costs, the excess is retained for use of the specific program in any subsequent period.

(For Budget Detail, excluding School Programs, please see Municipal Budget Supplement)

| | FY 2002 Actual Revenue | FY 2002 Actual Expense | Fund Balance 6/30/2002 | FY 2003 Budgeted Revenue | FY 2003 Budgeted Expense | FY 2003 Est. Fund Balance | Actual Revenue 2/21/2003 | Actual Expense 2/21/2003 |
|---|------------------------------|------------------------------|------------------------------|--------------------------------|--------------------------------|---------------------------------|--------------------------------|--------------------------------|
| School Department¹ | | | | | | | | |
| Douglas at Dawn/Dusk | \$85,765 | \$57,548 | \$50,623 | \$85,000 | \$85,000 | \$50,623 | \$62,419 | \$38,364 |
| Merriam Mornings/Afternoons/Summer | \$0 | \$0 | \$0 | \$30,000 | \$30,000 | \$0 | \$3,810 | \$3,810 |
| Gates Amazing Mornings/Afternoons | \$0 | \$2,454 | \$8,460 | \$30,000 | \$30,000 | \$8,460 | \$3,447 | \$1,867 |
| Historic District Commission² | \$140 | \$58 | \$564 | \$600 | \$600 | \$564 | \$20 | \$12 |
| Building Department² | \$119,202 | \$79,160 | \$99,319 | \$135,000 | \$137,630 | \$96,689 | \$56,749 | \$121,418 |
| Includes fees for Microfilming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees | | | | | | | | |
| Sealer of Weights and Measures² | \$12,066 | \$6,806 | \$7,987 | \$10,000 | \$10,012 | \$7,975 | \$707 | \$6,276 |
| Health Department² | | | | | | | | |
| Food Service Inspections | \$22,274 | \$21,171 | \$21,467 | \$21,976 | \$22,602 | \$20,841 | \$19,625 | \$12,892 |
| Hazardous Materials Inspection | \$26,407 | \$60,911 | \$13,187 | \$62,337 | \$62,337 | \$13,187 | \$4,550 | \$13,494 |
| Fire Department² | | | | | | | | |
| Fire Alarm Network | \$51,586 | \$32,504 | \$67,623 | \$45,045 | \$45,045 | \$67,623 | \$2,400 | \$22,079 |

All Monetary Figures Rounded to the Nearest Dollar

Direct inquiries to:

¹ Bill Ryan, Superintendent of Schools – bryan@mail.ab.mec.edu – (978) 264-4700

² John Murray, Assistant Town Manager – manager@acton-ma.gov – (978) 264-9612

Selectman assigned: – E-mail: bos@acton-ma.gov

Board of Selectmen:

Finance Committee:

.....

To see if the Town will vote to raise and appropriate, or appropriate from available funds, a sum of money for highway improvements under the authority of the Massachusetts General Laws, Chapter 90, and any other applicable laws, or take any other action relative thereto.

SUMMARY

Each year, the State provides communities with 100% reimbursement for certain highway projects. The State Legislature annually establishes the level of highway improvement funds available to cities and towns under this “Chapter 90” Program. This process is not completed until after Acton’s Annual Town Meeting; therefore, we are unable to specify a dollar amount at Town Meeting. State law requires that these State Highway Reimbursement Funds be appropriated by Town Meeting. The purpose of this article is to make that appropriation and allow the town to fully utilize whatever level of appropriation the State may make available during the upcoming fiscal year. If Town Meeting were to not adopt this article, it is conceivable that monies allocated to Acton may be redistributed to State projects or other cities and towns.

Direct inquiries to: John Murray, Assistant Town Manager – manager@acton-ma.gov – (978) 264-9612
Selectman assigned: – E-mail: bos@acton-ma.gov

Board of Selectmen:
Finance Committee:

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ARTICLE AI *
(Majority vote)

INSURANCE PROCEEDS

To see if the Town will vote to appropriate the proceeds of any insurance policy reimbursement of costs incurred as a result of any covered loss during the remainder of fiscal year 2004 and all of 2005, or take any other action relative thereto.

SUMMARY

According to the Massachusetts General Laws reimbursements received from insurance carriers in excess of \$20,000 require appropriation. This article would authorize the Town Manager to expend such reimbursements.

Direct inquiries to: John Murray, Assistant Town Manager – manager@acton-ma.gov – (978) 264-9612
Selectman assigned: – E-mail: bos@acton-ma.gov

Board of Selectmen:

Finance Committee:

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To see if the Town will vote to appropriate any Federal Government and State Government reimbursement for costs incurred as a result of any declared emergencies or other occurrence during fiscal year 2004, or take any other action relative thereto.

SUMMARY

The Federal Emergency Management Agency (FEMA) and Massachusetts Emergency Management Agency (MEMA) each provide planning and mitigation monies to cities and towns, and each reimburses for certain costs during declared emergencies. In addition, monies may be distributed for Homeland Defense, other Federal programs and other State programs. This article would authorize the Town to expend all such monies.

Direct inquiries to: John Murray, Assistant Town Manager – manager@acton-ma.gov – (978) 264-9612
Selectman assigned: – E-mail: bos@acton-ma.gov

Board of Selectmen:
Finance Committee:

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ARTICLE AK *

(Majority vote)

SALE OF FORECLOSED PROPERTIES

To see if the Town will vote to authorize the Board of Selectmen to dispose of foreclosed properties acquired by the Town for nonpayment of taxes in accordance with the provisions of Massachusetts General Laws, or take any other action relative thereto.

SUMMARY

This article grants authority to the Board of Selectmen to sell and convey properties that the Town has obtained via tax foreclosure.

Direct inquiries to: John Murray, Assistant Town Manager – manager@acton-ma.gov – (978) 264-9612

Selectman assigned: – E-mail: bos@acton-ma.gov

Board of Selectmen:

Finance Committee:

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To see if the Town will raise and appropriate or transfer from the Cemetery Land Fund the sum of \$100,000, or any other sum, to be expended by the Town Manager for the development and landscaping of Section 9, Mount Hope Cemetery and for general improvements in the cemeteries, or take any other action relative thereto.

SUMMARY

This article will provide funds to develop a new section of approximately 1,500 grave spaces at Mount Hope Cemetery. It will also allow for some general improvements in the cemeteries such as replacing damaged trees and shrubs and repairing roadways.

Direct inquiries to:

Selectman assigned: Email bos@acton.ma.gov

Board of Selectmen:

Finance Committee:

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To see if the Town will vote to continue to accept the provisions of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, providing for a 100% increase in certain property tax exemptions, or take any other action relative thereto.

SUMMARY

This is a reauthorization of an ongoing program of tax relief for certain qualifying individuals that was adopted by Town Meeting in 1999. Section 4 of Chapter 73 of the Acts of 1986 authorized Towns that annually accept the provisions of this law to grant additional real estate tax exemptions for qualifying individuals. These additional exemptions are available to the elderly, disabled or veterans who qualify for property tax exemptions under Clauses 17, 17C, 17C½, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B and 41C of Section 5, Chapter 59 of the Massachusetts General Laws. This article will continue to provide additional tax relief to qualified individuals by increasing the exemptions to the maximum allowable under the law.

Direct inquiries to: Brian McMullen, Assistant Assessor – assessor@acton-ma.gov – (978) 264-9622
Selectman assigned:– E-mail: bos@acton-ma.gov

Board of Selectmen:
Finance Committee:

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ARTICLE AN
(Majority vote)

BUDGET TRANSFER

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of \$25,000, which is being held as insurance reimbursement for mold mitigation at the Gates School during fiscal year 2004.

SUMMARY

This article is routinely placed on the Warrant to allow Town Meeting to transfer funds and supplement monies, if necessary, to cover needed expenses in the current fiscal year.

Direct inquiries to:

Sharon Summers, School Finance Director – ssummers@mail.ab.mec.edu – (978) 264-4700

Selectman assigned: – E-mail: bos@acton-ma.gov

Board of Selectmen:

Finance Committee:

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ARTICLE AO
(Majority vote)

TOWN OPERATING BUDGET

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the departments, offices and boards of the Town, exclusive of the school budgets, or take any other action relative thereto.

SUMMARY

This article requests funds for the fiscal year 2005 (July 1, 2004-June 30, 2005) Municipal Operating Budget. The Municipal Budget also includes certain school costs. These are primarily the costs of debt service requirements; property, liability and contents insurance on school buildings; pension costs and Workers' Compensation Insurance for school employees, other than teachers and Regional school employees. The standard motion for the Municipal Budget appropriation under this article typically includes the transfer of monies such as Cemetery Trust Funds and Wetland Filing Fees. Budget detail provided in the Municipal Budget Supplement is available at the Memorial Library, West Acton Citizens' Library, Police Station, Town Hall and at the Polling Places on March 30, 2004. Copies will also be available at Town Meeting.

Direct inquiries to: Don P. Johnson, Town Manager – manager@acton-ma.gov – (978) 264-9612
Selectman assigned: – E-mail: bos@acton-ma.gov

Board of Selectmen:
Finance Committee:

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To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money for new departmental employees as listed below:

| | |
|------------------------------|-------------------|
| A. Public Safety Dispatchers | \$ 151,400 |
| B. Maintenance Person | \$ 20,000 |
| C. Finance Clerk | \$ 56,000 |
| Total | \$ 227,400 |

, or take any other action relative thereto.

SUMMARIES

A Public Safety Dispatchers:

B. Maintenance Person: This article will provide funds to hire a full time Building Maintenance Worker in the Municipal Properties Department, beginning in January 2005, when the new Public Safety Building is scheduled for occupancy. The amount requested will fund the position for the second half of fiscal 2005; in future years the full annual cost (including benefits) of \$40,000 will be carried in the Municipal Properties operating budget.

For many years, the Municipal Properties Department employed four building maintenance workers. Due to budget constraints, one worker was laid off at the beginning of fiscal year 2004. This has caused a decline in the condition of the facilities. This situation will become intolerable when the new 25,000 square foot Public Safety Facility comes on line in 2005 to replace the existing 4500 square foot Police Station.

C. Finance Clerk: Currently, the Assistant Town Accountant is handling all payroll functions, along with multiple other responsibilities and work loads. The role and responsibility of the Assistant Town Accountant should be much broader and more useful than it currently is. This is not a safe or efficient way to operate. We're concerned about the multiple work loads in this Department and the risk of significant, negative consequences if we have difficulties in our payroll area. A dedicated, focused, full-time Payroll Clerk, brought into service just as quickly as possible, will be able to assist in, and then take over, the Town payroll. This will allow for increased personnel work efficiency in the Accounting department which is suffering from overwork and under staffing. This will also allow us to have backup in our most critical processing function, which is payroll.

Direct inquiries to: Don P. Johnson, Town Manager – manager@acton-ma.gov – (978) 264-9612
Selectman assigned: – E-mail: bos@acton-ma.gov

Board of Selectmen:
Finance Committee:

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ARTICLE AQ
(Majority vote)

NESWC ENTERPRISE BUDGET

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$4,615,844., or any other sum, for the purpose of solid waste disposal in accordance with Massachusetts General Laws, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests funding for the Town's solid waste disposal and recycling operation. This year's request covers day-to-day operations and funds the replacement of needed pieces of equipment and approximately \$100,000 to fund the study of future solid waste disposal options. The Citizens of Acton fund approximately \$375,000 (from fees) of the cost of operations. \$4,240,844 (92%) of the request appropriation is funded by non-citizen fees and fund balance. Fees will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of solid waste disposal. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the enterprise fund or to reduce user fees. It is anticipated that the fund balance will be consumed by future increases in dumping fees to be incurred between now and the end of the NESWC Contract in September 2005. Fund status is noted below (for Budget detail see Municipal Supplement).

| Fund Balance 6/30/03 | Budgeted Revenue FY04 | Budgeted Expense FY04 | Est. Fund Balance 6/30/04 | Budgeted Revenue FY05 | Budgeted Expense FY05 | Est. Fund Balance 6/30/05 |
|----------------------------|-----------------------------|-----------------------------|---------------------------------|-----------------------------|-----------------------------|---------------------------------|
| \$3,280,835 | \$3,691,000 | \$4,091,013 | \$2,880,822 | \$2,625,000 | \$4,615,844 | \$899,978 |

Direct inquiries to: John Murray, Assistant Town Manager – manager@acton-ma.gov – (978) 264-9612
Selectman assigned: – E-mail: bos@acton-ma.gov

Board of Selectmen:

Finance Committee:

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ARTICLE AR
(Majority vote)

ACTON PUBLIC SCHOOLS BUDGET

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money, to defray the necessary expenses of the Acton Public School System, or take any other action relative thereto.

SUMMARY

This article requests funds for fiscal year 2005 (July 1, 2004-June 30, 2005) for ...

Direct inquiries to: Bill Ryan, Superintendent of Schools – bryan@mail.ab.mec.edu – (978) 264-4700

Selectman assigned: – E-mail: bos@acton-ma.gov

Board of Selectmen:

Finance Committee:

.....

ARTICLE AS ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT ASSESSMENT
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money, to defray the necessary expenses of the Acton-Boxborough Regional School District, or take any other action relative thereto.

SUMMARY

This article requests funds for fiscal year 2005 (July 1, 2004-June 30, 2005) for the Acton-Boxborough Regional School District Assessment.

Direct inquiries to: Bill Ryan, Superintendent of Schools – bryan@mail.ab.mec.edu – (978) 264-4700
Selectman assigned: – E-mail: bos@acton-ma.gov

Board of Selectmen:
Finance Committee:

.....

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the Minuteman Regional Vocational Technical School District, or take any other action relative thereto.

SUMMARY

This article requests funds for fiscal year 2005 (July 1, 2004-June 30, 2005) for the Minuteman Regional Vocational Technical School District Assessment. This assessment, or “bill”, voted by the Minuteman School Committee, is governed by the terms of the Minuteman School District Agreement.

Direct inquiries to: Dr. Ronald Fitzgerald, Superintendent – rfitzgerald@minuteman.org – (781) 861-6500
Selectman assigned: – E-mail: bos@acton-ma.gov

Board of Selectmen:

Finance Committee:

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To see if the Town will accept as public ways the following streets or any portions thereof, as laid out by the Board of Selectmen according to plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easement in said streets and associated parcels of land by eminent domain or otherwise, including easements for drainage, utility, sidewalk or other purposes as shown on said plans or described in the Order of Layout;

In the BELLOWS FARM SUBDIVISION

DAVIS ROAD – a loop road, from the previous limit of acceptance at Station 23 + 00 (1300 feet from Great Road) a distance of 6047 feet, more or less, in a generally easterly, southerly, westerly, then northerly direction to the southerly sideline of Davis Road, this being the entire road. *Subject to further review.*

BRIAR HILL ROAD – from the easterly sideline of Davis Road a distance of 1259 feet, more or less, in a generally easterly direction to the easterly sideline of a 70 foot radius cul-de-sac, including the cul-de-sac, this being the entire road.

BELLOWS FARM ROAD – from the easterly sideline of Davis Road a distance of 1640 feet, more or less, in a generally northerly direction to the southerly sideline of Briar Hill Road, this being the entire road.

, or take any other action relative thereto.

SUMMARY

This article is to accept streets as town ways that have been built to Planning Board standards. In order to create a new street, a developer must first obtain approval of a definitive subdivision plan from the Planning Board. The land developer's contractor then constructs the street according to this plan and the rules and regulations of the Planning Board. The Engineering Department inspects the street during construction to insure compliance with these standards. Upon completion of the street, the developer petitions the Board of Selectmen to start the legal process that will lead to acceptance of the street as a town way. Prior to town meeting, the Selectmen hold a public hearing and adopt an "Order of Layout" containing a legal description of the street. Following town meeting, the Selectmen obtain title to the street by deed or eminent domain. Such streets are built and donated to the Town at no cost; however, the Town will assume future maintenance costs as with any town way. The subdivision process is contained in Massachusetts General Law, Chapter 41, and the layout of town ways is in Chapter 82. Davis Road, Briar Hill Road and Bellows Farm Road have followed this process, and are now ready for acceptance.

Direct inquiries to:

David F. Abbt, Engineering Administrator – engineering@acton-ma.gov – (978) 264-9628

Selectman assigned: – E-mail: bos@acton-ma.gov

Board of Selectmen:

Finance Committee:

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To see if the Town will accept as public ways the following streets or any portions thereof, as laid out by the Board of Selectmen according to plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easement in said streets and associated parcels of land by eminent domain or otherwise, including easements for drainage, utility, sidewalk or other purposes as shown on said plans or described in the Order of Layout;

In the MAPLE CREEK FARM SUBDIVISION

WOODFIELD ROAD – from the southerly sideline of Summer Street a distance of 994 feet, more or less, in a generally southerly direction to the southerly sideline of a 70 foot radius cul-de-sac, including the cul-de-sac, this being the entire road.

SHADY LANE – from the westerly sideline of Woodfield Road a distance of 594 feet, more or less, in a generally westerly direction to the southerly sideline of a 70 foot radius cul-de-sac, including the cul-de-sac, this being the entire road.

, or take any other action relative thereto.

SUMMARY

This article is to accept streets as town ways that have been built to Planning Board standards. In order to create a new street, a developer must first obtain approval of a definitive subdivision plan from the Planning Board. The land developer's contractor then constructs the street according to this plan and the rules and regulations of the Planning Board. The Engineering Department inspects the street during construction to insure compliance with these standards. Upon completion of the street, the developer petitions the Board of Selectmen to start the legal process that will lead to acceptance of the street as a town way. Prior to town meeting, the Selectmen hold a public hearing and adopt an "Order of Layout" containing a legal description of the street. Following town meeting, the Selectmen obtain title to the street by deed or eminent domain. Such streets are built and donated to the Town at no cost; however, the Town will assume future maintenance costs as with any town way. The subdivision process is contained in Massachusetts General Law, Chapter 41, and the layout of town ways is in Chapter 82. Woodfield Road and Shady Lane have followed this process, and are now ready for acceptance.

Direct inquiries to:

David F. Abbt, Engineering Administrator – engineering@acton-ma.gov – (978) 264-9628

Selectman assigned: – E-mail: bos@acton-ma.gov

Board of Selectmen:
Finance Committee

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To see if the Town will accept as public ways the following streets or any portions thereof, as laid out by the Board of Selectmen according to plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easement in said streets and associated parcels of land by eminent domain or otherwise, including easements for drainage, utility, sidewalk or other purposes as shown on said plans or described in the Order of Layout;

In the NORTH ACTON WOODS SUBDIVISION

ALEXANDRA WAY – from the northeasterly sideline of Harris Street a distance of 1495 feet, more or less, in a generally northerly direction to the northerly sideline of a 70 foot radius cul-de-sac, including the cul-de-sac, this being the entire road.

REEVE STREET – from the easterly sideline of Alexandra Way a distance of 574 feet, more or less, in a generally easterly direction to the northerly sideline of a 70 foot radius cul-de-sac, including the cul-de-sac and Parcel A (a 40-foot wide street right-of-way containing 8,584 square feet), this being the entire road.

, or take any other action relative thereto.

SUMMARY

This article is to accept streets as town ways that have been built to Planning Board standards. In order to create a new street, a developer must first obtain approval of a definitive subdivision plan from the Planning Board. The land developer's contractor then constructs the street according to this plan and the rules and regulations of the Planning Board. The Engineering Department inspects the street during construction to insure compliance with these standards. Upon completion of the street, the developer petitions the Board of Selectmen to start the legal process that will lead to acceptance of the street as a town way. Prior to town meeting, the Selectmen hold a public hearing and adopt an "Order of Layout" containing a legal description of the street. Following town meeting, the Selectmen obtain title to the street by deed or eminent domain. Such streets are built and donated to the Town at no cost; however, the Town will assume future maintenance costs as with any town way. The subdivision process is contained in Massachusetts General Law, Chapter 41, and the layout of town ways is in Chapter 82. Alexandra Way and Reeve Street have followed this process, and are now ready for acceptance. Parcel A will provide for a future street connection from Reeve Street to land now or formerly of the Four Seasons Tennis Club, Inc. on Granite Road.

Direct inquiries to:

David F. Abbt, Engineering Administrator – engineering@acton-ma.gov – (978) 264-9628

Selectman assigned: – E-mail: bos@acton-ma.gov

Board of Selectmen:

Finance Committee:

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ARTICLE AX *

LAND GIFT – 190 ARLINGTON STREET

(Majority Vote)

To see if the Town will vote to accept as a gift from Michael J. Coppolino and Paul Bevilacqua a parcel of vacant land located at 190 Arlington Street and shown as Parcel 3A-2 – 36,849 Square Feet on a plan entitled “Plan of Land in Acton, Massachusetts (Middlesex County), For: Michael J. Coppolino, dated May 28, 2002, and recorded at the Middlesex South District Registry of Deeds, Cambridge, MA as Plan 678 of 2002, said parcel is also shown on Map F-2A of the Town Atlas as Parcel 22-2, for general municipal purposes, or take any other action relative thereto.

SUMMARY

This is a parcel of land adjacent to Fort Pond Brook and is substantially Wetland and Flood Plain Zone. In addition, it exhibits important wildlife habitat characteristics located at the confluence of Fort Pond Brook and Grassy Pond Brook. This is a parcel of open space worthy of protection.

Direct inquiries to: Tom Tidman, Director of Natural Resources – nr@acton-ma.gov – (978)-264-9631
Selectman assigned:

Board of Selectmen:

Finance Committee:

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To see if the Town will vote to accept as a gift from North Acton Woods Limited Partnership two parcels of vacant land on Alexandra Way and Reeve Street shown as Open Space Parcels A-1(14.12 acres) and C (6.62 acres), both as shown on plans recorded in the Middlesex South District Registry of Deeds (Plan No.'s 314 of 1999 and 605 of 2001), and on Map C-5 of the Town Atlas as Parcel 24, and Parcel 45, respectively, for purposes of conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry or open space, or take any other action relative thereto.

SUMMARY

The two open space parcels are being donated to the Town pursuant to Planning Board Decision 98-17 for the North Acton Woods Definitive Subdivision and Planned Conservation Residential Community under Section 9 of the Acton Zoning Bylaw. Open Space Parcel A-1 provides access to and abuts other land of the Town. Both parcels are associated with the recent subdivision known as North Acton Woods located on Harris Street in North Acton.

Direct Inquiries to: Roland Bartl, Town Planner – planning@acton-ma.gov – (978) 264-9636
Selectman assigned:

Board of Selectmen:
Finance Committee:

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To see if the Town will vote to accept as a gift from Parmley Corp., and the Trustees of The Welton Realty Trust, proposed drainage easements partially twenty (20) feet wide and partially of variable width, on lots 114, 115, and 116, said lots are numbered 33, 35, and 37 Squirrel Hill Road, as shown on a plan entitled “Easement Plan, Squirrel Hill Road, Acton, Massachusetts, Prepared for Sweeney & Sons and dated December 2003, to be recorded at the Middlesex South District Registry of Deeds; and to abandon the Town’s right, title and interest to the existing twenty (20) foot wide drainage easements on said lots taken by Eminent Domain on June 24, 1975, by an Order of Taking recorded at said Registry in Book 12831 Page 574, or take any other action relative thereto.

SUMMARY

An affirmative vote on this article will abandon an existing drainage easement on the west side of Lot 115 (35 Squirrel Hill Road) and create a new drainage easement on the east side of Lot 115. Two existing drain outfalls will be combined into one, and improved pollution control devices will be retrofitted to the existing drainage system in Squirrel Hill Road. The existing drainage easement at the rear of Lots 114, 115, and 116 will be enlarged to encompass the entire area traversed by the existing intermittent stream in this area. All legal and construction costs will be the responsibility of Sweeney & Sons. Plans of the proposed work are available for viewing at the Acton Engineering Department.

Direct Inquires to:

David F. Abbt, Engineering Administrator – engineering@acton-ma.gov – (978) 264-9628

Selectmen assigned:

Board of Selectmen:

Finance Committee:

[Note: Articles AZ and BA are for the same purpose – only one Article will appear on the final Warrant. Article BA, authored by D’Agostine & Levine, goes into more explicit detail and AZ is a typical drainage easement article as we have used in the past.]

.....

To see if the Town will vote to:

- (A) release to the owners of Lot 114, Lot 115, and Lot 116 Squirrel Hill Road, Acton, Middlesex County, Massachusetts, all right, title, and interest in those certain easements referred to as “EASEMENT” in a document entitled “Order of Taking Squirrel Hill Road” dated June 24, 1975 and recorded at the Middlesex South District Registry of Deeds (“Registry”) in Book 12831, Page 574, the easements are shown as (1) “20’ DRAIN EASEMENT FOR BROOK” affecting certain portions of Lot 114, Lot 115, and Lot 116 and (2) “20’ DRAIN EASE.” affecting certain portions of Lots 115 and 116; all of the said lots and easements are shown on a plan entitled, “Revised Plan of Colonial Acres, West Acton, Mass. (Section I)”, dated May 15, 1961, by Everett M. Brooks, Co., Civil Engineers, recorded at the Registry as Plan No. 901 of 1961 in Book 9832, Page End; the easements to be released are also shown as ‘EXISTING 20’ WIDE DRAINAGE EASEMENTS - TO BE ABANDONED” on a plan to be recorded at the Registry entitled “Easement Plan, Squirrel Hill Road, Acton, Massachusetts, Prepared for: Sweeney & Sons, 78 Rockland Ave., Maynard, Mass. 01754, Scale: 1 inch = 30 feet, Date: December, 2003, Acton Survey & Engineering, Inc., 97 Great Road, P.O. Box 666, Acton, MA 01720” (hereinafter the “Easement Plan”); and
- (B) accept in its place, and in exchange for the release of the aforementioned easements, a Grant of Easement presented by the owners of Lot 114, Lot 115, and Lot 116, affecting those portions of the aforesaid lots shown as “PROPOSED DRAINAGE EASEMENTS” on the Easement Plan (together “Easement Areas”); granting to the Town the perpetual right and easement, over, under and upon said Easement Areas to install, construct, and maintain drainage facilities of all types and kinds, for the purpose of discharging surface runoff water from Squirrel Hill Road, Highland Road and adjacent areas; and
- (C) authorize the Board of Selectmen to sign any and all documents necessary to effectuate such release and acceptance of said easements.

, or take any other action relative thereto.

SUMMARY

An affirmative vote on this article will abandon an existing drainage easement on the west side of Lot 115 (35 Squirrel Hill Road) and create a new drainage easement on the east side of Lot 115. Two existing drain outfalls will be combined into one, and improved pollution control devices will be retrofitted to the existing drainage system in Squirrel Hill Road. The existing drainage easement at the rear of Lots 114, 115, and 116 will be enlarged to encompass the entire area traversed by the existing intermittent stream in this area. All legal and construction costs will be the responsibility of Sweeney & Sons. Plans of the proposed work are available for viewing at the Acton Engineering Department.

Direct Inquires to:

David F. Abbt, Engineering Administrator – engineering@acton-ma.gov – (978) 264-9628

Selectmen assigned:

Board of Selectmen:

Finance Committee:

To see if the Town will vote to amend Chapter E of the Bylaws of the Town of Acton by inserting a new section E 58 as follows:

E58. Hours of Operation of Non-Residential Outdoor Lighting:

A. Purpose:

The purpose of these regulations is to reduce late night glare, light trespass, and sky glow caused by outdoor lighting that is not used for public safety and property security.

B. Applicability:

Except as provided under Exemptions below, the following hours of operation regulations, Section D below, shall apply to all outdoor lights in Acton whose lamp wattage exceeds the values contained in the following Table.

| <i>Lamp type</i> | <i>Wattage</i> |
|--|----------------|
| Incandescent, Halogen | 60 w |
| High Pressure Sodium, Metal Halide, Mercury Vapor, other HID | 35 w |
| Fluorescent, Low Pressure Sodium | 13 w |

C. Effective Dates:

1. Starting on April 15, 2004, the hours of operation regulations shall apply to all new and replacement outdoor luminaires.
2. Starting on January 1, 2006, the hours of operation regulations shall apply to all existing, new, and replacement outdoor lights.

D. Hours of Operation of Outdoor Lights:

1. All outdoor lights may be turned on no earlier than one hour before Business Hours and shall be turned off no later than 11 PM or one half an hour after of the end of business hours, whichever is later. Business Hours shall be defined as the period of time during which at least one person is present for the purpose of conducting or concluding business on the lot or in a structure on the lot.
2. Outdoor lights for recreational facilities shall be turned off no later than one half-hour after the end of use or activities.

E. Exemptions:

1. Streetlights and other lights within a street or public right of way.
2. Lights on single-family residential lots and properties.
3. Safety lights, which shall be defined as lights to safeguard the movement of persons by foot or by non-motorized vehicles or by vehicles for disabled persons over hazardous footing or in areas that conflict with vehicle traffic, or lights for the purpose of aiding the visible detection and recognition of other persons, including lights for stairs, pedestrian ramps and tunnels, and pedestrian routes that are reasonably expected to be used after business hours.
4. Security lights, which shall be defined as lights to protect buildings, and property stored outdoors.
5. Lights in existence or installed before January 1, 2005 that do not meet the definition of safety or security lights and are connected by a single outside circuit to safety or security lights. No new such common outside circuits shall be allowed thereafter.

6. Lights controlled by motion detectors or infrared sensors with an on-time of no more than 10 minutes per activation. The motion detector shall be adjusted so that normal movement of vehicles and traffic along a street or public right of way shall not cause its activation.
7. Lights that illuminate the United States Flag and public monuments.
8. Warning and alarm lights that alert to a malfunction or emergency situation.

F. Enforcement

The Town of Acton Building Commissioner shall enforce this bylaw. Violation of this bylaw shall be punishable by a fine of three hundred dollars (\$300.00). Each day that such violation continues shall constitute a separate offense.

, or take any other action relative thereto.

SUMMARY

If adopted, this article will establish regulations for the hours of operations for new and existing outdoor lighting. Outdoor lighting would be limited to business hours as defined in the article. Lights with low wattage and lumen output are not subject to the regulations. Also exempt are streetlights, light on single-family residential properties, and lights necessary for security and safety, among others. The regulations would become effective immediately for all new and replacement installations, but a grace period for existing installations would extend to January 1, 2006.

Direct Inquiries to: Roland Bartl, Town Planner – planning@acton-ma.gov – (978) 264-9636
Selectman assigned:

Board of Selectmen:

Finance Committee:

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To see if the Town will vote to amend the Town Charter as follows:

(1) Amend Section 4-2 by adding the following line directly below “Board of Health:”

| Board or Commission | Number of Members | Length of Term (years) |
|-------------------------------------|----------------------|---------------------------|
| Board of Health (Associate Members) | 2 | 2 |

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(2) Amend Section 4-2 by adding the following text paragraph under the existing table of Selectmen appointees:

The chairperson of any town board or commission with associate or alternate members may designate any such associate or alternative member to sit on the board of the agency for any particular matter(s) in the case of an absence, inability to act, or conflict of interest on the part of any regular board member thereof, or in the event of a vacancy on the board, until said vacancy is filled.

To see if the Town will vote to amend the Town Charter, Section 4-2 by adding to the Appointment List the category Board of Health (Associate Members) with the number of members being two and the length of term being 3, with the Associate Members having voting privileges at the discretion of the Chairman of the Board of Health whenever a quorum of Full Members are not present to act and to place the Charter change on the ballot for the next General Election, or take any other action relative thereto.

[Counsel’s version of the Article states a two year term, the original was three. Which do we want?

- Also, does Counsel’s version address “voting” privileges as the original Article suggests?]

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SUMMARY

Place holder, staff is conferring with Counsel.

Direct inquiries to: Doug Halley, Health Director – (978) 264-9634 – health@acton-ma.gov
Selectman assigned:

Board of Selectmen:
Finance Committee:

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To see if the Town of Acton will vote to amend the zoning map as follows:

Rezone the R-2 (Residence 2) the following parcel or parcels of land identified by their map and parcel number as shown in the 2003 Town Atlas. Map G3, parcels 69 and 65, present zoning OP-2 (Office Park 2), 80 and 84 Piper Road (see grid to Abstract of April 1, 1996 Annual Town Meeting), said parcels directly abutting other parcels which were rezoned to R-2 (Residence 2) by Special Town Meeting of January 8, 2001, or to take any other action relative thereto.

SUMMARY

Petitioner to provide Summary

Inserted by Citizen Petition

Direct inquiries to: Linda A. Melon
Selectman assigned:

Board of Selectmen:

Finance Committee:

Planning Board: Not Recommended

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To see if the Town will vote to amend Chapter E of the Bylaws of the Town of Acton by inserting a new section E 57 as follows:

E57. Motorized Craft on Ice House Pond:

Except for emergency rescue and law enforcement purposes, and for purposes of construction and maintenance by the Town of Acton, no person shall launch, place, float, use, or land a craft with an internal combustion engine in or on Ice House Pond, which pond is located off Concord Road in the East Acton area. The Police Officers of the Town of Acton shall enforce this bylaw. Violation of this bylaw shall be punishable by a fine of three hundred dollars (\$300.00), whereby each incident of violating this bylaw and each day that such violation continues shall constitute a separate offense.

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, or take any other action relative thereto.

SUMMARY

If adopted, this article would ban all craft with internal combustion engines from Ice House Pond except for emergency, construction, and maintenance purposes. Ice House Pond is a favored spot for ice skating, fishing, row boating, canoeing, and bird watching. It is periodically stocked with trout for sport fishing purposes. The Pond is a Class B waterbody, so designated for the protection and propagation of fish and other wildlife, and for these types of primary or secondary recreational activities. Ice House Pond's shallow depth (+/-5 feet) and small size (12 acres) makes it unsuitable for motorized craft. Motorized craft create noise, create a wake, and release unburned gasoline and oil, which could disturb the pond's tranquility, pollute its waters, disturb or harm wildlife, contribute to shoreline erosion, and impede or eliminate the recreational activities on the pond that Acton residents and visitors enjoy.

Direct Inquiries to: Roland Bartl, Town Planner – planning@acton-ma.gov – (978) 264-9636
Selectman assigned:

Board of Selectmen:
Finance Committee:

Deleted: Planning Board:¶

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To see if the Town will vote to amend the Zoning Bylaw, section 3.8.2 (ACCESSORY USES permitted in the Office, Business, and Industrial Districts) by inserting a new sub-section 3.8.2.7 as follows:

- 3.8.2.7 In the Light Industrial District and on contiguous adjacent land for which the Board of Appeals has previously granted a USE variance permitting a USE allowed in the Light Industrial District, the purchase of new vehicles; the wholesale, but not retail sale, of used vehicles; and the temporary outdoor storage of such new and used vehicles, provided that:
- 3.8.2.7.1 The LOT, or the property consisting of two or more contiguous LOTS in single ownership, contains at least 15 acres.
- 3.8.2.7.2 Such USE is accessory to an operations center and offices of a vehicle rental or leasing company.
- 3.8.2.7.3 Such vehicles are at all times registered with the Commonwealth of Massachusetts Registry of Motor Vehicles while on the premises.
- 3.8.2.7.4 No such vehicle exceeds a gross vehicle weight of 10,000 pounds and a wheel base of 135 inches.
- 3.8.2.7.5 All such vehicles are stored in the rear yard out of sight and fully screened from view from any STREET.
- 3.8.2.7.6 All such vehicles are stored at least 200 feet away and fully screened from view from any pre-existing dwelling that is not on the same LOT or property.
- 3.8.2.7.7 The transport and loading/unloading of such vehicles to and from the LOT or property occurs only on weekdays between the hours of 6:00 AM and 9:00 PM.
- 3.8.2.7.8 The storage of such vehicles may use vacant or excess parking capacity that, regardless of the requirements of section 6 of this bylaw, is not needed for employees and customers of the businesses on the LOT or property.

, or take any other action relative thereto.

SUMMARY
(by petitioner)

Inserted by Citizen Petition

Direct Inquiries to:
Selectman assigned:

Board of Selectmen:
Finance Committee:

Planning Board: Recommended

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ARTICLE BG
(Majority vote)

**COMMUNITY PRESERVATION PROGRAM
DIRECT APPROPRIATIONS FROM FUND BALANCE**

To see if the Town will vote to appropriate or reserve for later appropriation from the FY 2003 Community Preservation Fund Balance the following amounts for community preservation purposes with each item considered a separate appropriation:

| Purpose | Amount | |
|--------------------|--------|--|
| Appropriations | | |
| • | - | |
| • | - | |
| • | - | |
| • | - | |
| Reserves | | |
| Open Space | - | |
| Historic Resources | - | |
| Community Housing | - | |
| Administration | - | |

, or take any other action relative thereto.

CPA – Draft Articles

From

DOR Property Tax Bureau IGR 00-209 as amended through 2002

DOR Division of Local Services Bulletin 2003-04B

(Shells only. Not all may apply or be necessary this year. First draft - subject to change.)

(Note: these appropriations can be spent immediately)

Direct Inquiries to: Roland Bartl, Town Planner – planning@acton-ma.gov – (978) 264-9636

Selectman assigned:

Board of Selectmen:

Finance Committee:

.....

ARTICLE BH
(Majority vote)

**COMMUNITY PRESERVATION PROGRAM
BORROWING AUTHORIZATION**

To see if the Town will vote to appropriate --(\$_____) -- by borrowing for -- (*specify purpose category*) -
- purposes under the Community Preservation Program to -- (*insert description*) --, and to authorize the
Board of Selectmen to issue any bonds or notes that may be necessary for that purpose, or take any other
action relative thereto.

Direct Inquiries to: Roland Bartl, Town Planner – planning@acton-ma.gov – (978) 264-9636
Selectman assigned:

Board of Selectmen:
Finance Committee:

.....

ARTICLE BI
(Majority vote)

**COMMUNITY PRESERVATION PROGRAM
DIRECT APPROPRIATION FROM REVENUES**

To see if the Town will vote to appropriate or reserve for later appropriation from the FY 2004 Community Preservation Fund Balance the following amounts for community preservation purposes with each item considered a separate appropriation:

| Purpose | Amount | |
|--------------------------------|--------|--|
| Appropriations | | |
| | | |
| • | - | |
| • | - | |
| • | - | |
| • | - | |
| | | |
| Reserves | | |
| | | |
| Open Space | - | |
| Historic Resources | - | |
| Community Housing | - | |
| | | |
| General Reserves (unspecified) | - | |
| | | |
| Administration | - | |

, or take any other action relative thereto.

(Note: These appropriations cannot be spent until 6/30/04
Caution: State match funds are unknown)

Direct Inquiries to: Roland Bartl, Town Planner – planning@acton-ma.gov – (978) 264-9636
Selectman assigned:

Board of Selectmen:
Finance Committee:

.....

The following Articles (*BJ - BS*), if adopted, make changes to the East Acton Village zoning district and introduce a new zoning district, East Acton Village 2, to implement the strategies in the East Acton Village Plan.

Deleted: The following articles – (*BJ - BS*),¶
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One of the goals of the Acton Master Plan (last updated in 1998) was to encourage the creation of plans for each of Acton's village centers: West Acton Village, South Acton Village, East Acton Village, and North Acton Village. During the 1990s, plans were created for West Acton and South Acton Villages. In the fall 2000, the Acton Board of Selectmen appointed a group of volunteers to create a plan for East Acton Village (EAV). The group was called the East Acton Village Planning Committee (EAVPC) and it consists of Acton residents, business and property owners.

The East Acton Village zoning district is located on both sides of Great Road (Route 2A) extending from the Concord town line to just west of the intersection with Concord Road. The committee focused its study on the East Acton Village zoning district and adjacent properties, but also considered the surrounding neighborhoods and businesses. It inventoried existing conditions, considered future conditions, and examined issues related to land use, zoning, development, transportation and infrastructure, housing, historic preservation, village character, and the environment. After several years of research, close to 100 committee meetings, surveys of residents and EAV businesses, and four formal public input meetings, the EAVPC has completed the East Acton Village Plan (EAV Plan).

The EAV Plan was adopted by the Planning Board on January 27, 2004 as an addendum to the Acton Master Plan.

The purpose of the EAV Plan is to encourage a more concentrated, cohesive, and identifiable East Acton Village. To enhance the village, recommendations are made in the EAV Plan that focus on East Acton Village:

- Becoming a more pedestrian and bicycle-friendly destination;
- Having a greater sense of community;
- Protecting the environment and enhancing community open spaces;
- Having safe, efficient traffic flow at reasonable speeds;
- Preserving EAV history and heritage;
- Allowing a moderate increase in density;
- Encouraging a mix of residences and businesses.

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The following Articles (*BJ - BS*) represent these general goals, and if adopted, would begin to implement the East Acton Village Plan. All the East Acton Village-related Articles have been recommended by the Acton Planning Board and have received the support of the Economic Development Committee.

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To see if the Town of Acton will vote to amend the zoning map, Map No. 1, by rezoning from Limited Business (LB) to Agriculture Recreation Conservation (ARC) an area of land shown in the 2003 Town Atlas on map G-4 as parcel 212, or take any other action relative thereto.

SUMMARY

This article would rezone a 2/3rd-acre town-owned property at 108 Great Road, on the northwest corner of Concord Road and Great Road. Railroad tracks on the western edge of the parcel separate it from another parcel and Ice House Pond, both of which are Town-owned and currently zoned ARC. The East Acton Railroad Depot was located in this area from the late 1800s through the early 1900s along with a green in the early 1900s. Both parcels, the one already zoned ARC and the one discussed in this article, are currently being considered for a new East Acton Village green. Additionally, the railroad right of way that separates the parcels is currently being planned for a rail trail (the “Bruce Freeman Rail Trail”). A survey conducted of East Acton residents and Town Meeting attendees in 2001 as part of the East Acton Village planning process found that respondents desired open space within East Acton Village. If adopted, this article would change the zoning from Limited Business (LB) to Agriculture, Recreation, Conservation (ARC), making it consistent with the uses and activities being considered and planned for the area, the desires of many Town residents, and the zoning of the adjacent Town-owned parcels.

Direct Inquiries to: Roland Bartl, Town Planner – planning@acton-ma.gov – (978) 264-9636
Selectman assigned: - E-mail: bos@acton-ma.gov

Board of Selectmen:

Finance Committee:

Planning Board: **Recommended**

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To see if the Town of Acton will vote to amend the zoning map, Map No. 1, by rezoning from Small Manufacturing (SM) to East Acton Village (EAV) an area of land shown in the 2003 Town Atlas on map G-5 as parcel 69, or take any other action relative thereto.

SUMMARY

This article would rezone a 1.5-acre property at 8 Wetherbee Street. This prominent parcel is the only business property located between Nashoba Brook, Concord Road, and Great Road not currently zoned East Acton Village (EAV). The close proximity of the parcel to the village makes it easily accessible by foot to village residents and visitors. Rezoning the parcel to EAV provides for its consistent treatment with land in the EAV zoning district and would encourage its future redevelopment consistent with the village scale and mixture of uses that have been described in the East Acton Village Plan. The existing business would be allowed to continue in the EAV District as a pre-existing nonconforming use.

Direct Inquiries to: Roland Bartl, Town Planner – planning@acton-ma.gov – (978) 264-9636
Selectman assigned: - E-mail: bos@acton-ma.gov

Board of Selectmen:

Finance Committee:

Planning Board: **Recommended**

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ARTICLE BL
(Two-thirds vote)

**AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN
DISTRICT USE REGULATIONS**

To see if the Town will vote to amend the zoning bylaw, section 3 as follows *[Notes in italic print are not part of the article but are intended for explanation only]:*

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- A. In the Table of Principal Uses, delete the EAV column and replace it with a new EAV column as follows *[Y = the use is allowed; N = the use is not allowed; SPA or SPS = the use may be allowed by special permit. For reference purposes, where changes are proposed in the EAV district, the present designation is shown in brackets]:*

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| | | VILLAGE DISTRICTS |
|---|---|-------------------|
| PRINCIPAL USES | | EAV |
| 3.2 GENERAL USES | | |
| 3.2.1 | Agriculture | Y |
| 3.2.2 | Conservation | Y |
| 3.2.3 | Recreation | N |
| 3.3 RESIDENTIAL USES | | |
| 3.3.1 | Single FAMILY Dwelling | Y |
| 3.3.2 | Single FAMILY Dwelling with One Apartment | Y |
| 3.3.3 | Two-FAMILY Dwelling | Y [N] |
| 3.3.4 | Dwelling Conversions | SPA |
| 3.3.5 | Multifamily Dwelling | Y(3) [N(3)] |
| 3.4 GOVERNMENTAL INSTITUTIONAL & PUBLIC SERVICE USES | | |
| 3.4.1 | Municipal | Y |
| 3.4.2 | Educational | Y |
| 3.4.3 | Religious | Y |
| 3.4.4 | Nursing Home | N [SPS] |
| 3.4.5 | Public or Private Utility Facilities | SPS [Y] |
| 3.4.6 | Child Care Facility | Y |
| 3.4.7 | Other Public Use (4) | SPS |
| 3.4.8 | Full Service Retirement Community | SPS |
| 3.4.9 | Assisted Living Residence (5) | SPS |
| 3.4.10 | Wireless Communication Facility (6) | N |
| 3.4.11 | Commercial Education or Instruction | Y [SPS] |
| 3.5 BUSINESS USES | | |
| 3.5.1 | Retail Store | SPS (11) [Y] |
| 3.5.2 | Office | SPS (11) [Y] |
| 3.5.3 | Health Care Facility | Y |
| 3.5.4 | Hospital, Medical Center | N |
| 3.5.5 | Restaurant (8) | SPS |
| 3.5.6 | Combined Business & Dwelling | Y |
| 3.5.7 | Hotel, Motel, Inn, Conference Center | SPS |
| 3.5.8 | Bed & Breakfast | Y |
| 3.5.9 | Lodge or Club | SPS |

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| | | VILLAGE DISTRICTS |
|----------------------------|---|-------------------|
| PRINCIPAL USES | | EAV |
| 3.5.10 | Veterinary Care | SPS [N] |
| 3.5.11 | Animal Boarding | N |
| 3.5.12 | Services | Y |
| 3.5.13 | Repair Shop, Technical Shop, Studio | Y |
| 3.5.14 | Building Trade Shop | N [Y] |
| 3.5.15 | Commercial Recreation (9) | SPS (11) [SPS] |
| 3.5.16 | Commercial Entertainment | Y [N] |
| 3.5.17 | Golf Course in Residential Districts | N |
| 3.5.18 | Cross-Country Skiing in Residential Districts | N |
| 3.5.19 | Vehicle Service Station | N [SPS] |
| 3.5.20 | Vehicle Repair | N |
| 3.5.21 | Vehicle Body Shop | N |
| 3.5.22 | Vehicle Sale, Rental | N |
| 3.5.23 | Parking Facility | N [Y] |
| 3.5.24 | Transportation Services | N |
| 3.5.25 | Adult Uses | N |
| 3.6 INDUSTRIAL USES | | |
| 3.6.1 | Warehouse | N |
| 3.6.2 | Distribution Plant | N |
| 3.6.3 | Manufacturing | N |
| 3.6.4 | Scientific | N |

B. In the Table of Principal Uses, insert the following new footnotes:

- (3) Not more than four DWELLING UNITS shall be permitted per multifamily dwelling.
- (11) No special permit shall be required for this USE if its NET FLOOR AREA is 5000 square feet or less.

and renumber existing footnotes (3) through (9) to become footnotes (4) through (10) respectively.

C. Amend section 3.5.5 by adding at its end the following sentence:

“In the EAV District, service through walk-up windows may be allowed, and patios may be open and accessible from the outside.”

[Note: Section 3.5.5 currently reads:]

3.5.5 Restaurant – Establishment where food and beverages are sold within a BUILDING to customers for consumption 1) at a table or counter, or 2) on a patio closed on all sides with entrance to the patio normally available only from the BUILDING, or 3) off the premises as carry-out orders, except that drive-up service shall not be allowed, or 4) any combination of the above. In the OP-2 and the TD District, the minimum square footage for an individual restaurant shall be 5,000 square feet measured in NET FLOOR AREA.]

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D. Delete section 3.5.6 and replace it with a new section 3.5.6 as follows:

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3.5.6 Combined Business and Dwelling – A LOT used for business USES and for not more than four DWELLING UNITS. Business USES and DWELLING UNITS may be in the same BUILDING or in separate BUILDINGS. In the EAV District, the limit of four DWELLING UNITS shall not apply provided that the DWELLING UNITS are in the same BUILDING as business USES, or that not more than four DWELLING UNITS are within a multifamily dwelling. ~~In the NAV District the limit of four DWELLING UNITS shall not apply where dwelling units are created through the application of sections 5.4 and 5.5.~~

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[Note: Section 3.5.6 currently reads:

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Combined Business and Dwelling – A LOT used for business USES and for not more than four DWELLING UNITS except as otherwise provided for in the NAV and EAV Districts. Business USES and DWELLING UNITS may in the same BUILDING or in separate BUILDINGS.]

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E. Insert a new section 3.9.3 as follows:

3.9.3 Nonresidential USES in the EAV District – In the EAV District, only the following USES shall be allowed on the ground floor of commercial or mixed use BUILDINGS: Retail Stores; Restaurants; Hotel, Motel, Inn, Conference Center; Bed & Breakfast; Lodge or Club; Veterinary Care; Services; Commercial Entertainment; Commercial Recreation; real estate agency; insurance agency; travel agency; law office; medical and dental offices; walk-in clinic; and Repair Shop, Technical Shop, Studio.

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, or take any other action relative thereto.

SUMMARY

This article would revise the use regulations for the East Acton Village (EAV) zoning district. It would provide for a greater variety of business types and sizes in the village, but prohibit new businesses of the kind that are not conducive to pedestrians, such as vehicle service stations. One of the goals is to encourage businesses with “walk-in” traffic on the ground floor of buildings, to discourage the appearance that such commercial space is abandoned, and to improve the feeling that the village district is a thriving and dynamic place to be. Allowing a greater variety of businesses as well as residential uses that would fit in the existing fabric of smaller buildings and properties in the village facilitates the economic reuse of historic structures. Villages require a minimum level of residences near or around them in order to become and remain viable. This article would permit additional types of housing common in traditional villages such as two-family dwellings and apartments above stores. Overall, the proposed changes in use regulations are intended to help keep the area vibrant during business and non-business hours.

Direct Inquiries to: Roland Bartl, Town Planner – planning@acton-ma.gov – (978) 264-9636

Selectman assigned: - E-mail: bos@acton-ma.gov

Board of Selectmen:

Finance Committee:

Planning Board: Recommended

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ARTICLE BM
(Two-thirds vote)

**AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN
DIMENSIONAL REGULATIONS**

To see if the Town will vote to amend the zoning bylaw, section 5, Table of Standard Dimensional Regulations, by deleting the line for EAV and replacing it with a new line for EAV as follows: *[Notes in italic print are not part of the article but are intended for explanation only. For reference purposes, where changes are proposed in the EAV district, the present designation is shown in brackets]:*

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| Zoning Districts | Minimum LOT Area in sq. ft. | Minimum LOT FRONTAGE in feet | Minimum LOT Width in feet | Minimum Front Yard in feet | Minimum Side & Rear Yard in feet | Minimum OPEN SPACE in percent | Maximum FLOOR AREA RATIO | Maximum Height in feet |
|------------------|-----------------------------|------------------------------|---------------------------|----------------------------|----------------------------------|-------------------------------|--------------------------|------------------------|
| EAV | NR | NR | NR | 10 (10) | NR (1) | 25% | 0.20 (4) | 36 |
| | [10,000] | [100] | [50] | [10(9)] | [10(1)] | [35%] | | |

And, delete in the first sentence of footnote (10) the words “SAV District” and replace them with the words “SAV and EAV Districts”.

[Note: The first sentence of footnote (10) currently reads: “The maximum front yard shall be ten (10) feet in the WAV District and twenty feet (20’) in the SAV District, or the lesser of the front yards of the two BUILDINGS or STRUCTURES on either side, whichever is the least”.]

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, or take any other action relative thereto.

SUMMARY

This article would revise the dimensional regulations for the East Acton Village zoning district, making them more consistent with the patterns of traditional villages rather than highway commercial areas. If adopted, this article would allow newer buildings to be similarly aligned with the older, historic village buildings that are closer to Great Road. Minimum required setbacks would be reduced so that buildings can be situated to within 10 feet from the street right-of-way line (“front yard setback”) and up to the side and rear lot lines. For a business use abutting a residential district the side and rear setback abutting the residential district would remain at 30 feet (footnote 1). Minimum lot area, lot frontage and lot width requirements in the EAV zoning district would be removed to allow buildings to be situated closer together for the convenience of pedestrian shoppers and to encourage people to walk within the village rather than drive between businesses. The minimum open space requirement would be slightly reduced to allow more compact village development while still retaining the environmental health of the village. In addition, this article would allow owners of properties bordering Nashoba Brook to place buildings and additions further away from the brook and nearer to the street, helping to protect the water quality of the brook. Overall, this article would provide more flexibility to all property owners to redevelop and improve their properties in a way that is consistent with a village setting.

Direct Inquiries to: Roland Bartl, Town Planner – planning@acton-ma.gov – (978) 264-9636
Selectman assigned: - E-mail: bos@acton-ma.gov

Board of Selectmen:
Finance Committee:

Planning Board: Recommended

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To see if the Town will vote to amend the zoning map and bylaw, as follows *[Notes in italic print are not part of the article but are intended for explanation only]*:

- A. **Zoning Map, Map No.1.** Rezone to East Acton Village 2 (EAV-2) the following parcels of land identified by their 2003 Town Atlas Map and Parcel numbers *[Street addresses and current zoning designation are shown for reference purposes only]*.

| Map | Parcel | Present Zoning | Street Address |
|-----|--------|----------------|--------------------|
| F-4 | 54 | LB | 136 Great Rd |
| F-4 | 67 | LB | 134 Great Rd |
| F-4 | 67-1 | LB | 132 Great Rd |
| F-4 | 69* | LB / R-8 | 129 & 133 Great Rd |
| F-4 | 69-1 | LB / R-8 | 125 Great Rd |
| F-4 | 104 | LB | 128 Great Rd |
| G-4 | 10 | LB | 126 Great Rd |
| G-4 | 143 | SM | 13 Wetherbee St |
| G-5 | 82 | SM | 18 Wetherbee St |
| G-5 | 82-1 | SM | 30 & 30A Great Rd |
| G-5 | 83** | SM / EAV | 1-13 Keefe Rd |
| G-5 | 90 | SM | 19 Keefe Rd |
| G-5 | 92 | SM | 21 Keefe Rd |
| G-5 | 93 | SM | 25 Keefe Rd |

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* Rezone to EAV-2 only that portion of parcel F-4/69 that is shown as Lot 1C on a Plan of Land in Acton, Massachusetts for Distinctive Acton Homes by Stamski and McNary, Inc., dated April 4, 2003 and endorsed by the Acton Planning Board as an Approval-Not-Required-Plan on May 27, 2003 (Engineering Department plan file #3668).

** Rezone to EAV-2 only that portion of parcel G-5/83 that is presently zoned SM.

- B. **Zoning Bylaw – Section 2.** In section 2.1 insert the following new zoning district classification under the heading of Village Districts:

East Acton Village 2

EAV-2

- C. **Zoning Bylaw – Section 3.** In the Table of Principal Uses insert the following new EAV-2 column under the heading for Village Districts *[In the table below Y indicates that the use is allowed by right, N indicates that the use is prohibited, and SPA, SPS or SPP indicate that the use may be allowed by special permit.]*:

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| | | VILLAGE DISTRICTS |
|---|---|-------------------|
| PRINCIPAL USES | | EAV-2 |
| 3.2 GENERAL USES | | |
| 3.2.1 | Agriculture | Y |
| 3.2.2 | Conservation | Y |
| 3.2.3 | Recreation | N |
| 3.3 RESIDENTIAL USES | | |
| 3.3.1 | Single FAMILY Dwelling | Y |
| 3.3.2 | Single FAMILY Dwelling with One Apartment | Y |
| 3.3.3 | Two-FAMILY Dwelling | Y |
| 3.3.4 | Dwelling Conversions | SPA |
| 3.3.5 | Multifamily Dwelling | Y (3) |
| 3.4 GOVERNMENTAL INSTITUTIONAL & PUBLIC SERVICE USES | | |
| 3.4.1 | Municipal | Y |
| 3.4.2 | Educational | Y |
| 3.4.3 | Religious | Y |
| 3.4.4 | Nursing Home | SPS |
| 3.4.5 | Public or Private Utility Facilities | SPS |
| 3.4.6 | Child Care Facility | Y |
| 3.4.7 | Other Public Use (4) | SPS |
| 3.4.8 | Full Service Retirement Community | SPS |
| 3.4.9 | Assisted Living Residence (5) | SPS |
| 3.4.10 | Wireless Communication Facility (6) | SPP |
| 3.4.11 | Commercial Education or Instruction | Y |
| 3.5 BUSINESS USES | | |
| 3.5.1 | Retail Store | Y |
| 3.5.2 | Office | Y |
| 3.5.3 | Health Care Facility | SPS (11) |
| 3.5.4 | Hospital, Medical Center | N |
| 3.5.5 | Restaurant (8) | SPS |
| 3.5.6 | Combined Business & Dwelling | Y |
| 3.5.7 | Hotel, Motel, Inn, Conference Center | SPS |
| 3.5.8 | Bed & Breakfast | SPS |
| 3.5.9 | Lodge or Club | SPS |
| 3.5.10 | Veterinary Care | SPS |
| 3.5.11 | Animal Boarding | N |

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| | | VILLAGE DISTRICTS |
|----------------------------|---|-------------------|
| PRINCIPAL USES | | EAV-2 |
| 3.5.12 | Services | Y |
| 3.5.13 | Repair Shop, Technical Shop, Studio | Y |
| 3.5.14 | Building Trade Shop | Y |
| 3.5.15 | Commercial Recreation (9) | SPS |
| 3.5.16 | Commercial Entertainment | Y |
| 3.5.17 | Golf Course in Residential Districts | N |
| 3.5.18 | Cross-Country Skiing in Residential Districts | N |
| 3.5.19 | Vehicle Service Station | N |
| 3.5.20 | Vehicle Repair | SPS |
| 3.5.21 | Vehicle Body Shop | SPS |
| 3.5.22 | Vehicle Sale, Rental | N |
| 3.5.23 | Parking Facility | N |
| 3.5.24 | Transportation Services | N |
| 3.5.25 | Adult Uses | N |
| 3.6 INDUSTRIAL USES | | |
| 3.6.1 | Warehouse | N |
| 3.6.2 | Distribution Plant | N |
| 3.6.3 | Manufacturing | N |
| 3.6.4 | Scientific | N |

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and insert the following new footnotes:

- (3) Not more than four DWELLING UNITS shall be permitted per multifamily dwelling.
- (11) No special permit shall be required for this USE if its NET FLOOR AREA is 5000 square feet or less.

and renumber existing footnotes (3) through (9) to become footnotes (4) through (10) respectively.

D. **Zoning Bylaw – Section 5.** In the Table of Standard Dimensional Regulations, insert the following entry for EAV-2:

| Zoning Districts | Minimum LOT Area in sq. ft. | Minimum LOT FRONTAGE in feet | Minimum LOT Width in feet | Minimum Front Yard in feet | Minimum Side & Rear Yard in feet | Minimum OPEN SPACE in percent | Maximum FLOOR AREA RATIO | Maximum Height in feet |
|------------------|-----------------------------|------------------------------|---------------------------|----------------------------|----------------------------------|-------------------------------|--------------------------|------------------------|
| EAV-2 | 15,000 | 50 | NR | 10 | 10 (1) | 35% | 0.20 | 36 |

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And add at the end of footnote (1) the words “and EAV-2”.

[Note: Footnote (1) currently reads:

(1) Where a nonresidential USE abuts a residential district the yard or yards abutting the residential district shall be 20 feet in WAV, 30 feet in NAV and 30 feet in EAV.]

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E. **Zoning Bylaw – Section 6.** Insert a new section 6.9.3 as follows:

6.9.3 In the EAV-2 District, the following special provisions for parking shall apply:

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Deleted: <#>NAV, EAV, and EAV-2 Districts.
[Note: The lead paragraph of section 6.9.1 currently reads as follows: 6.9.1 NAV and EAV Districts.]
and insert a new section 6.9.1.3 as follows.

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a) Connection of Parking – A Special Permit Granting Authority shall require that all parking facilities be connected by a common driveway to the parking facilities of all adjacent USES and to all adjacent land in the EAV, EAV-2, and LB zoning districts, unless it finds that physical constraints, present site configuration, uncooperative abutters, or land vacancy precludes strict compliance. In such cases, the site and the parking facility shall be designed to provide for the future construction of common driveways. For the purposes of this section, common driveway shall be defined as a driveway that is shared by two or more LOTS and located at least partially within the required setback areas of such LOTS. Such a common driveway can be either a shared ACCESS driveway to a STREET, or a driveway to a STREET, or a driveway connecting such LOTS with each other.

b) Collective Use of Parking Facilities – Off-STREET parking facilities may serve, collectively or jointly, different USES located throughout the same zoning district where such a collective use of the parking facility is based on a written agreement that: 1) assures the continued collective use; 2) states the number of parking spaces allocated to each participating USE; and 3) assures ACCESS to and maintenance of the common parking facility. In the case of such collective use of a parking facility, the minimum number of required parking spaces shall be 70% of the requirements in Section 6.3.1.

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And renumber existing sections 6.9.2, 6.9.3, and 6.9.4, including their subsections, to become sections 6.9.4, 6.9.5, and 6.9.6, including their subsections, respectively.

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, or take any other action relative thereto.

SUMMARY

This article would establish a new East Acton Village-2 zoning district in place of the present Small Manufacturing (SM) district in the East Acton area, and on several parcels along Great Road north of Concord Road, most of which are currently zoned Limited Business (LB). The intent of creating the EAV-2 district is to discourage sprawl by concentrating development into a more intimate, centralized area (East Acton Village), surrounded by open space and less dense development (EAV-2). Creating the new zoning district would help protect environmentally sensitive areas while defining the village and better serving the social, cultural, financial, and environmental goals of the community. This article would also provide property owners in the EAV-2 zone with more flexibility in developing or redeveloping their properties.

Parts A through C of this article would assist in protecting East Acton Village from encroachment by businesses of a type and scale incompatible with a village. If this article is adopted, the allowed uses in the EAV-2 district would be similar to those in the EAV district, with the following exceptions: nursing homes, vehicle repair shops, vehicle body shops and wireless communication facilities would be allowed by special permit in EAV-2 while not allowed in EAV, bed and breakfast would be allowed by special permit in EAV-2 where it is allowed by-right in EAV, and building trade shops would be allowed by right in EAV-2 while not allowed in EAV. The change to EAV-2 would largely maintain or, in the case of

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parcels presently zoned Small Manufacturing (SM), expand the variety of land use options for the affected properties, although the mix of allowed uses would change somewhat.

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Part D would establish dimensional requirements for the proposed EAV-2 District. The dimensional requirements are designed to provide a transition in lot area, frontage, and setbacks to the East Acton Village. They would be less restrictive than those under the current SM or LB zoning of the affected properties.

Part E of this article would encourage shared parking by allowing a reduction of the minimum parking requirements to 70% of the otherwise required parking spaces. The purpose of this change is to reduce impervious cover (asphalt) along Great Road, minimize curb cuts to the street, eliminate potential traffic conflicts, and encourage people to park their vehicle in one place and conduct their business activity on foot.

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Direct Inquiries to: Roland Bartl, Town Planner – planning@acton-ma.gov – (978) 264-9636
Selectman assigned: - E-mail: bos@acton-ma.gov

Board of Selectmen:

Finance Committee:

Planning Board: Recommended

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ARTICLE BO
(Two-thirds vote)

**AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN
SPECIAL PROVISIONS**

To see if the Town will vote to amend section 5.5 of the zoning bylaw as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

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- F. Delete the section 5.5.1 and place a new purpose statement under the existing title of section 5.5 – Special Provisions for Village Districts, as follows:

“Purposes – The purposes of this section are to set forth specific provisions regarding development scale and intensity in the Village Districts in order to promote compact development patterns, a mixture of housing and businesses, the preservation and vitality of small businesses, pedestrian amenities and pedestrian-scale environments, and environmentally sustainable design and construction.”

[Note: Section 5.5.1 currently reads:

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Purpose – The purpose of this Section is to set forth specific provisions regarding development intensity in the Village Districts in order to promote compact development patterns, preservation and vitality of small businesses; and pedestrian-scale environments.]

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- G. Insert a new section title as follows:

“5.5A Business Size Limits in Village Districts”

and

re-number section 5.5.2 – Maximum Floor Area of Businesses and Industries, to become new section 5.5A.1, and delete the column for EAV in the table of this section and replace it with a new column for EAV as follows [*All limits are expressed in square feet. Where changes are proposed, the current floor area limits are shown in italic print*]:

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| PRINCIPAL USES | VILLAGE DISTRICTS |
|--|--------------------------|
| | EAV |
| 3.4.11 Commercial Education or Instruction | 5,000 |
| 3.5.1 Retail Store | 7,500 [<i>5,000</i>] |
| 3.5.2 Office | 7,500 [<i>5,000</i>] |
| 3.5.3 Health Care Facility | 5,000 |
| 3.5.5 Restaurant | 5,000 |
| 3.5.9 Lodge or Club | 5,000 [<i>NR</i>] |
| 3.5.10 Veterinary Care | 5,000 [<i>NR</i>] |
| 3.5.12 Services | 5,000 |
| 3.5.13 Repair Shop, Technical Shop, Studio | 5,000 |
| 3.5.14 Building Trade Shop | 5,000 |
| 3.5.15 Commercial Recreation | 7,500 [<i>NR</i>] |
| 3.5.16 Commercial Entertainment | 5,000 [<i>NR</i>] |
| 3.6.3 Manufacturing | NR |
| NR = No Regulation | |

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And, for line 3.4.11 insert the letters NR under the column headings NAV, SAV, and WAV.

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[Note: Line item 3.4.11 is a new entry in this table. It is an allowed use by special permit in the other Village Districts, but no size limitations exist for that use there. Line 3.6.3 is an existing entry in the table, but Manufacturing is not an allowed use in the EAV District. Therefore, size regulations are not applicable in this district.]

H. Insert a new section title 5.5B as follows:

5.5B Special Provisions for the East Acton Village District

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and insert a new section 5.5B.1 as follows:

5.5B.1 Design Provisions for the East Acton Village District

5.5B.1.1 Purpose – In the East Acton Village District, the principal goal guiding the regulations set forth herein is to sustain and encourage a vital business center that provides needed goods, services, and jobs in a manner that is compatible with Acton’s historic development pattern and establishes pedestrian accessibility and circulation throughout the East Acton Village area in order to limit vehicular congestion. These regulations will provide clear guidance to those who would like to expand or locate businesses in the East Acton Village District. They will also ensure that future development will help create the form, cohesion, order, and supporting infrastructure that will identify the East Acton Village District as an attractive, pleasant, and desirable center for business, shopping, and other commercial and community activities.

The layout and design of the sites and BUILDINGS shall be conducive to pedestrian use. The purpose of the design principles herein is to provide convenient and efficient pedestrian access within the East Acton Village District; to connect the East Acton Village District via pedestrian ways to surrounding neighborhoods and facilities which are otherwise separated with landscape buffers; to provide a safe and comfortable pedestrian environment with walkways, pedestrian conveniences and amenities; and to encourage BUILDINGS with a pedestrian oriented scale and design. For more guidance related to layout and design of sites and buildings in the East Acton Village District, please refer to the East Acton Village Plan as amended.

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5.5B.1.2 The following standards shall apply to all STRUCTURES and additions to STRUCTURES for which a Site Plan Special Permit is required on LOTS in the EAV District:

- a) The Sidewalks – The Site Plan Special Permit Granting Authority shall require sidewalks along the LOT’S FRONTAGE on a STREET or STREETS. The sidewalk shall be at least 10 feet wide but wider where necessary to allow pedestrian shopping and activities to spill out onto the walkway. Sidewalks may be located wholly or partially within the STREET layout. If on LOTS, sidewalks shall be considered part of the minimum required OPEN SPACE. The sidewalk shall be separated, where feasible, from the vehicular roadway with a landscaped buffer to provide both safety to pedestrians and to create the sense of village. The landscaped buffer shall consist of shade trees placed at appropriate intervals and other landscaping and STREET design elements such as benches and shrubs, and it may consist in part of on-STREET vehicular parking spaces.

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- b) Walkways – The Site Plan Special Permit Granting Authority shall require walkways among BUILDING entrances using straight and/or gently curving paths connecting BUILDINGS, to BUILDINGS, BUILDINGS to STREETS, and BUILDINGS to sidewalks with minimal interruption by driveways. Parking lot aisles, along with access and interior driveways, do not count as walkways. Walkways should include “bulges” to allow for gathering points that may include special features (e.g., water elements, sculptures, statues, etc.). Special features should be designed for public interaction. Benches and other places for people to wait; bicycle racks; stroller bays; and other pedestrian amenities may be required near building entrances if deemed appropriate by the Site Plan Special Permit Granting Authority. Where feasible, walkways should have some degree of enclosure achieved through the use of BUILDING fronts, trees, low hedges, arcades, trellised walks, or other means in order to positively define its space. Walkways and related pedestrian amenities on LOTS under this section b) and the following sections c) and d) shall be considered part of the minimum required OPEN SPACE.
- c) Connections between LOTS – The Site Plan Special Permit Granting Authority shall require driveway and walkway connections to abutting LOTS within the EAV District using the standards from section b) above. Where such connections are not available due to existing conditions on abutting LOTS, provisions shall be required to connect to such abutting LOTS at a future date in locations determined by the Site Plan Special Permit Granting Authority.
- d) Connections to EAV Surroundings – The Site Plan Special Permit Granting Authority shall require pedestrian connections to abutting neighborhoods and facilities outside the EAV District using the standards from section b) above. Where such connections are not available due to existing conditions in the surrounding area, provisions shall be required for such connections at a future date in locations determined by the Site Plan Special Permit Granting Authority.
- e) The Pedestrian Plaza – Where a LOT has on it STRUCTURES totaling a NET FLOOR AREA of 30,000 square feet or more, it shall have one or more pedestrian plazas on it.
- The combined area of pedestrian plazas shall measure at least 5% of the NET FLOOR AREA on the LOT, but not more than 3,000 square feet in combined area shall be required. At least one of the pedestrian plazas shall measure 1,500 square feet or more with a minimum side dimension of 20 feet, and no pedestrian plaza shall measure more than 3,000 square feet.
 - The pedestrian plaza shall be a natural gathering spot at the STREET level in front of a BUILDING, on the side of a BUILDING, or in between BUILDINGS, which is to be used exclusively by pedestrians and connects to the sidewalk. For the purpose of this section, a pedestrian arcade located within a BUILDING footprint and open to the outdoors may be counted towards the minimum area required for a pedestrian plaza.

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- iii. The pedestrian plaza shall be designed open on one side to an adjacent larger space, natural view, or activity area such as an outdoor cafe, coffee cart, food stand, basketball hoop, game tables, or playground. Within the pedestrian plaza, at least one seating area or activity pocket shall be placed along the edge of the plaza looking into the plaza. The pedestrian plaza shall be accented with pedestrian amenities such as benches, kiosks and other partly enclosed outdoor structures to facilitate waiting and/or group activities. Where feasible, add a few steps at the edge where stairs come down or where there is a natural change in grade. Make these raised areas immediately accessible from below so that people may congregate and sit to watch the local activity. To create minor boundaries between outdoor areas and/or buildings where there is no level change, add "sitting walls". Sitting walls should be no higher than 16 inches and wide enough to sit on (at least 12 inches wide).
 - iv. Shade trees, ornamental trees and other landscaping shall be included to provide shelter from the sun, to reduce noise, to beautify/enhance the appearance of EAV and to mitigate fumes. All landscaping shall use species that are tolerant to the climatic conditions in Acton and shall be designed to facilitate ongoing maintenance and watering.
 - v. Notwithstanding any other provisions of this Bylaw to the contrary, the serving of foods and drinks at outdoor tables shall be permitted in a pedestrian plaza.
 - vi. A pedestrian plaza shall be considered part of the minimum required OPEN SPACE. The area required for a sidewalk shall not be included in the pedestrian plaza.
- f) Driveways and Parking Lots -
- i. No driveway or parking lot shall be placed in the portion of a LOT that is directly in front of a BUILDING as seen from a STREET, whether or not the BUILDING is located on the SAME LOT as the driveway or parking lot, except that a driveway and parking lot may be placed in the front of a BUILDING that is located in the rear of another BUILDING when viewed from a STREET. No driveways or parking lots shall be located between a pedestrian plaza and a STREET, nor shall any driveway or parking lot intersect or be mixed with a pedestrian plaza.
 - ii. Vehicular driveways and parking lots may be located to the side and rear of BUILDINGS, TO the rear of a pedestrian plaza or underground. Where parking is located to the rear of buildings with additional buildings behind, a quadrangle effect should be created allowing parking, landscaping, and walkways / pathways / bikeways within this center area surrounded on all sides by shops and activity centers.
- g) BUILDING Design –
- i. At least 60 percent of the front side of a LOT facing a STREET, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS or by a pedestrian plaza that are located within 20 feet of the STREET sideline. A reduction of this requirement of the front side of a LOT may be allowed provided the Site Plan Special Permit Granting Authority finds that the alternative design features are consistent with Section 5.5.6.1 of this Bylaw.
 - ii. BUILDINGS shall be of a design similar to the architecture in historic commercial centers of New England in terms of scale, massing, roof shape,

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spacing, and exterior materials. Alternative designs may be allowed provided the Site Plan Special Permit Granting Authority finds the alternative design is consistent with Section 5.5.6.1 of the Bylaw.

- iii. BUILDING facades facing STREETS or pedestrian plazas are also referred to herein as the BUILDING front(s) or BUILDING front facade(s). Such BUILDING fronts shall have setbacks only to accommodate sidewalks and/or pedestrian plazas or amenities and shall have a vertical orientation, meaning either that the BUILDING shall actually have a greater height than width, or that the facades and roof lines of the BUILDING are designed to reduce the massing and bulk so that it appears as a group of smaller masses with a distinct vertical orientation.
- iv. THE BUILDING front facades shall be articulated to achieve a human scale and interest. The use of different textures, shadow lines, uneven angles, detailing and contrasting shapes is required. Not more than 50 feet of a BUILDING front shall be in the same vertical plane.
- v. The BUILDING front facade(s) shall be faced with materials that resemble historic New England architecture.
- vi. On THE BUILDING fronts, the ground floor shall be designed to be occupied by businesses with a higher percentage of walk-in traffic (i.e., Retail Stores; Restaurants; Service related businesses; Commercial Entertainment).
- vii. The main business entrance to each ground floor business, identified by the larger doors, signs, canopy, or similar means of highlighting, shall be from the BUILDING front.
- viii. Arcades and canopies are encouraged. They shall not be considered part of the BUILDING. These arcades and canopies should be used to connect the buildings to one another so that a person can walk from place to place under shelter. Arcades and canopies may be located within the 10-foot front yard setback where the Site Plan Special Permit Granting Authority finds such placement appropriate and consistent with Section 5.5.6.1 of the Bylaw.
- ix. The BUILDING front(s) shall contain windows covering at least 15 percent of the facade surface. Windows shall be highlighted with frames, lintels, and sills, or equivalent trim features.
- x. EXCEPT for ground level display windows, windows shall have a 2:1 ratio of height to width. Alternative window designs may be allowed provided the Site Plan Special Permit Granting Authority finds them to be consistent with Section 5.5.6.1 of the Bylaw and that they enhance one or more architectural features.
- xi. On the ground level portion of the BUILDING front, the amount of windows in the facade surface shall be at least 20 percent but not larger than 80 percent. Ground floor display windows shall be framed on all sides by the surrounding wall. They shall be highlighted with frames, lintels and sills or equivalent trim features, or may instead be recessed into the wall or projected from the wall.

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- xii. Mirror windows and highly reflective surfaces shall not be allowed on the BUILDING fronts.
- xiii. Roofs shall be gabled with a minimum pitch of 9/12 (9" vertical for every 12" horizontal) and have overhanging eaves of at least one foot. Two or three story BUILDINGS, or two or three story portions of a BUILDING, may have a flat roof provided that the tops of the BUILDING front facades are treated with an articulated cornice, dormers, or other architectural treatment that appears an integral part of the BUILDING from all visible sides of the BUILDING.
- xiv. The main features of the architectural treatment of the BUILDING front facades, including the materials used, shall be continued around all sides of the BUILDING that are visible from a STREET or a pedestrian plaza. The Site Plan Special Permit Granting Authority may approve alternate treatment of side and rear BUILDING walls that is consistent with Section 5.5.6.1 of the Bylaw and preserves the architectural integrity of the BUILDING as a whole.
- xv. Garage doors or loading docks shall not be allowed in the BUILDING fronts.
- xvi. BUILDING service and loading areas shall incorporate effective techniques for visual and noise buffering from adjacent USES.
- xvii. Accessory STRUCTURES, air conditioning equipment, electric utility boxes, satellite dishes, trash receptacles, and other ground level utilities shall be unobtrusive when viewed from the STREET and adjacent LOTS.
- xviii. Rooftop mechanical equipment shall be screened from public view by the use of architecturally compatible materials.

, or take any other action relative thereto.

SUMMARY

Part A of this article would revise the purpose statement for the Special Provisions for Village Districts to be more inclusive of its various existing and proposed elements.

Part B would change the size limits for certain businesses in the East Acton Village zoning district. The current regulations for the East Acton Village district already limit the sizes of individual businesses. This article would amend those limits and add new limits for commercial entertainment and veterinary care, two new business uses proposed for the East Acton Village zoning district. The size limits help ensure a greater variety of smaller businesses more suitable in scale to the village setting within walking distance from one another.

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Part C would create a new section of the zoning bylaw to regulate site and building designs in the East Acton Village district. All parcels in East Acton Village are developed to some degree at this time. Therefore, the process of creating village character will take time and include the redevelopment of many parcels. By providing design standards and offering incentives, owners will be encouraged to redevelop their properties according to the village concepts contained in the East Acton Village Plan.

The vision is to distinguish East Acton Village aesthetically from the rest of the development along Great Road (Route 2A); to keep it compact, maintain its historic structures, increase business variety, and make it more pedestrian-friendly. The standards would only apply to new construction or additions, whereas existing buildings could be adapted or integrated as the circumstances allow best. If adopted, the standards would encourage

- pedestrian, bicycle and vehicular connectivity between businesses, residences, and recreational resources;
- buildings located closer to the front of lots with vehicular parking or additional buildings to the side or in the rear;
- new buildings in keeping with the general style of a traditional New England village; and

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- buildings and streetscapes sized for pedestrian comfort with plenty of interesting storefronts and amenities, landscaping, and green spaces.

The guidelines focus on the relationships between people and village activities, trying to ensure that the village grows in such a way that it fosters a stronger sense of community and creates a safe, attractive, convenient, and interesting place for people to meet, work, shop, and gather. Overall, if adopted, the design standards are intended to guide future development in East Acton Village in a direction that creates a pedestrian-friendly village center unique to Acton as opposed to an assembly of strip shopping centers.

In addition, this article introduces a revised numbering system for section 5.5 and its subsections to accommodate the proposed changes for East Acton Village.

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Board of Selectmen:

Finance Committee:

Planning Board: Recommended

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To see if the Town will vote to amend the zoning bylaw, section 5, as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

A. Insert a new section 5.5B.2 as follows:

5.5B.2 Variable Density Provisions for the East Acton Village Districts

5.5B.2.1 Purpose – The purposes of this section are to better distinguish the East Acton Village District visually and aesthetically from the rest of the development along Great Road (Route 2A); to keep it compact; to maintain its historic structures; to increase business variety; to promote a pedestrian-friendly village environment; to encourage affordable housing; and to promote environmentally sustainable designs and construction methods. The density incentives offered in this section are intended to entice property owners to redevelop their properties in accordance with the design provisions of the previous section 5.5B.1, and to help overcome redevelopment obstacles, such as cost of redevelopment and loss of income during construction time. Vehicle parking, OPEN SPACE, and waste water management requirements impact the development potential of properties in different ways. Therefore, not all properties may be able to achieve the maximum density level set forth in this section. Density in the East Acton Village District shall not be considered as an end in itself, but as a prerequisite to achieve the critical mass required for a vibrant village.

5.5B.2.2 Variable Density Options – For a LOT in the East Acton Village District, the Board of Selectmen may grant a Special Permit for increases in density by allowing additional NET FLOOR AREA above the FLOOR AREA RATIO of 0.20 set forth in the Table of Standard Dimensional Regulations. To increase the density, the options a) through d) set forth below may be selected and combined in a flexible manner to increase the NET FLOOR AREA up to a maximum FLOOR AREA RATIO of 0.50 on the LOT. To the extent that this special permit coincides or overlaps with other special permits from the Board of Selectmen in other sections of this bylaw, they shall be processed concurrently so far as practical:

- a) Transfer of Development Rights – Density on the LOT may be increased through the Transfer of Development Rights according to one or more of the methods, procedures, and requirements set forth in the following subsections. The amount of NET FLOOR AREA that is added under this option shall not exceed the equivalent of a FLOOR AREA RATIO of 0.20 on the LOT:
 - i. Transfer of Development Rights under section 5.4 – Transfer of Development Rights from the Sending District as defined in section 5.4.2.2 to a receiving LOT in the East Acton Village District subject to the provisions for such transfers set forth in section 5.4 in its subsections of this bylaw.
 - ii. Transfer of Development Rights within the East Acton Village Districts - Transfer of Development Rights from a sending LOT within the East Acton Village District or the East Acton Village 2 (EAV-2) District to a receiving LOT in the East Acton Village District. The effect of such a transfer shall be an increase in NET FLOOR AREA on the receiving LOT compensated by an equal reduction in the maximum NET FLOOR AREA, and the concurrent maximum FAR, on the sending LOT, subject to the bonus provision iii. below.

- iii. Bonus for Certain Transfers – Where the receiving LOT within the East Acton Village District is located on the east side of Great Road, and the sending LOT is located in the East Acton Village District on the west side of Great Road or within the East Acton Village 2 (EAV-2) District, and the sending LOT contains or has stream frontage on Nashoba Brook, the receiving LOT shall be entitled to a 25% density bonus on the transferred NET FLOOR AREA. However, this bonus shall not result in exceeding the maximum FAR 0.20 factor allowed for receiving LOTS in section 5.5B.2.2.a). For example: Under this bonus, an additional 1,250 square feet of NET FLOOR AREA on the receiving LOT requires the purchase of only 1,000 square feet of NET FLOOR AREA from the sending LOT. 250 square feet constitutes the bonus.
- iv. Determination of Development Rights for affected LOTS under Sections ii. and iii. above – Before granting a Special Permit for the Transfer of Development Rights under section ii. or iii. above, the Board of Selectmen shall determine the total development rights for all LOTS to be affected by the proposed transfer, expressed in NET FLOOR AREA as computed in Section 10.4.3.8 of this Bylaw, counting any Development Rights previously added or removed from such LOTS. The application for a Special Permit under this Section shall contain sufficient information to permit the Board of Selectmen's determination of the development rights that may be transferred.
- v. The Board of Selectmen shall require that, upon transfer of the development rights authorized in its special permits, the owner of the sending LOT shall file with the Middlesex South District Registry of Deeds or the Land Court (as applicable) an irrevocable restrictive covenant, approved by the Board of Selectmen, running with the land, permanently restricting the development of the sending LOT. The covenant shall restrict the sending LOT by the amount of development rights transferred to another LOT, permitting only the amount of development rights that remain on the LOT, if any, all as specified in the Special Permit authorizing the transfer.
- vi. Implementation of Transfer – Following the approval of a Special Permit under this Section, the applicant shall complete the transfer procedures set forth in Sections 5.4.4 and 5.4.5, except that the formulas in Section 5.4.4.2 shall not apply to transfers within the East Acton Village and East Acton Village 2 Districts.
- b) Historic Preservation – Density on the LOT may be increased if the proposed development includes the restoration or preservation of a historic STRUCTURE on the LOT, subject to the requirements and penalties set forth in the following subsections. The amount of NET FLOOR AREA that is added under this option shall not exceed the equivalent of a FLOOR AREA RATIO of 0.10 on the LOT.
 - i. Detailed Proposal – The application for a special permit to increase density shall include a detailed proposal for the restoration or preservation of a historic STRUCTURE, including architectural drawings, building materials, cost estimates, and an architect's opinion regarding its feasibility and risks.
 - ii. Historical Commission Certification – The application for a special permit to increase density shall include a written certification from the Acton Historical Commission that the STRUCTURE is included in Acton's Cultural Resources Inventory or that the completion of a survey leading to its inclusion is pending.

- iii. Historical Commission Recommendation – The application for a special permit to increase density shall include a written recommendation from the Acton Historical Commission stating its support for the restoration or preservation of the STRUCTURE and the methods to achieve it.
 - iv. Performance Guarantee to Secure Preservation Commitment – In granting a special permit to increase density under this section, the Board of Selectmen may require a performance guarantee to secure the restoration or preservation of the historic STRUCTURE.
 - v. Penalty – The intentional demolition of a historic STRUCTURE, for which the Acton Historical Commission certifies that it is included in Acton’s Cultural Resources Inventory or that the completion of a survey leading to its inclusion is pending, shall result in the prohibition of any and all density increases available under this bylaw on the subject LOT for a period of 25 years following the demolition. However, this penalty shall not apply, where the Acton Historical Commission has, prior to the demolition, provided its written consent to the demolition in accordance with its authority and jurisdiction under Chapter N of the Bylaws of the Town of Acton.
- c) Affordable Housing – Density on the LOT may be increased if the proposed development includes at least 1 affordable DWELLING UNIT or 10% affordable DWELLING UNITS on the LOT, whichever is greater, subject to the standards and requirements set forth in the following subsections. The amount of NET FLOOR AREA that is added under this option shall not exceed the equivalent of a FLOOR AREA RATIO of 0.10 on the LOT.
- i. The term “affordable DWELLING UNIT” as used in this section shall mean a DWELLING UNIT that is restricted to sale, lease or rental to persons or households within specific income and asset limitations, and at specific price limits, both as established in provisions of any State or Federal rental assistance programs, subsidy programs for reducing mortgage payments, or other programs that provide for affordable housing for low and moderate income persons or households, and that are in effect at the time that the Board of Selectmen receive the special permit application.
 - ii. Affordability Standards – Subject to the Board of Selectmen’s approval, an applicant for a density bonus under this option may utilize an available State or Federal assistance program or choose to meet affordability requirements by utilizing income and asset standards, and by establishing rents, leases, sales prices, entry fees, condominium fees, and other costs for affordable DWELLING UNITS that are generally consistent with available affordable housing assistance programs.
 - iii. Affordability Restrictions – Affordable DWELLING UNITS shall be maintained as such in perpetuity. Each affordable DWELLING UNIT shall be rented or sold to its initial and all subsequent buyers or tenants subject to deed riders, restrictive covenants, contractual agreements, or other mechanisms restricting the USE and occupancy, rent levels, sales prices, resale prices, and other cost factors to assure their long term affordability. These restrictions shall be in force for perpetuity. They shall be enforceable and renewable by the Town of Acton through standard procedures provided by applicable law.
 - iv. The Board of Selectmen may require that the restrictions for affordable DWELLING UNITS contain a Right of First Refusal to the Town of Acton or its

designee at the restricted resale value, and that the owner provides notice of such Right of First Refusal to the Town of Acton or its designee prior to selling the affordable DWELLING UNITS with adequate time for the Town or its designee to exercise the Right of First Refusal.

- v. Nothing in this Section shall be construed to cause eviction of an owner or tenant of an affordable DWELLING UNIT due to loss of his/her income eligibility status during the time of ownership or tenancy. Rather, the restrictions governing an affordable DWELLING UNIT shall be enforced upon resale, re-rental, or re-lease of the affordable DWELLING UNIT. The mechanisms and remedies to enforce the restrictions governing an affordable DWELLING UNIT upon resale, re-rental, or re-lease shall be set forth in its deed restrictions.
 - vi. All contractual agreements with the Town of Acton and other documents necessary to insure the long term affordability of an affordable DWELLING UNIT shall be executed prior to the issuance of any building permit that will implement the increase in density authorized under the special permit.
 - vii. Locations and compatibility of affordable DWELLING UNITS – Affordable DWELLING UNITS shall be dispersed throughout the development to insure a true mix of market-rate and affordable DWELLING UNITS. The exterior of affordable DWELLING UNITS shall be compatible with, and as much as possible indistinguishable from, market-rate DWELLING UNITS on the same LOT. All internal design features of affordable DWELLING UNITS shall be substantially the same as those of market-rate DWELLING UNITS.
 - viii. Local Preference – To the maximum extent practical and subject to applicable Federal or State financing or subsidy programs the affordable DWELLING UNITS shall be initially offered to qualified low and moderate income households that meet local preference criteria established from time to time by the Town of Acton or the Acton Community Housing Corporation. Procedures for the selection of purchasers and/or tenants shall be subject to approval by the Town of Acton or its designee. The local preference restriction shall be in force for 120 days from the date of the first offering of sale or rental of a particular affordable DWELLING UNIT. The applicant shall make a diligent effort to locate eligible purchasers or renters for the affordable DWELLING UNIT who meet the local preference criteria and the applicable income requirements.
 - ix. Timing of construction – As a condition of the issuance of a special permit under this Section, the Board of Selectmen may set a time or development schedule for the construction of affordable DWELLING UNITS and market-rate DWELLING UNITS on the LOT.
- d) LEED certification – Density on the LOT may be increased if the proposed development is certified under the United States Green Building Council's LEED (Leadership in Energy and Environmental Design) program. The amount of NET FLOOR AREA that is added under this option shall not exceed the equivalent of a FLOOR AREA RATIO of 0.05 on the LOT. To qualify for the density bonus for LEED certification in the East Acton Village District, a project would have to meet the LEED standards for New Construction & Major Renovation Projects.

- B. In the Table of Standard Dimensional Regulations, delete footnote (4) and replace it with a new footnote (4) in the same locations and in the line for the EAV-2 District and the column under Maximum Floor Area Ratio, to read as follows:
- (4) In the EAV, subject to the provisions in sections 5.4 and 5.5B.2. In the EAV-2 District, subject to the provisions in section 5.5B.2. In the NAV District, subject to the provisions in section 5.4 and 5.5C. In the LB District, subject to the provisions in section 5.4.
- C. Delete sections 5.5.3 and its subsections, and section 5.5.5, and replace them with a new section 5.5C and new subsections as follows:

[Note: Existing section 5.5.3 and its subsection are identical to the proposed section 5.5C.1 and its subsections, except that all references to the East Acton Village District have been deleted. Existing section 5.5.5 is identical to the proposed section 5.5C.2, except for new section title. No changes are proposed for the North Acton Village District.]

5.5C Special Provisions for the North Acton Village District

5.5C.1 Variable Density Provisions for the North Acton Village District

5.5C.1.1 Purpose – These provisions are intended to permit flexible density levels for individual LOTS in the North Acton Village District, while maintaining an overall ceiling on total NET FLOOR AREA. The purpose of permitting variable density levels is to permit further clustering of USES in a compact village pattern, while limiting total traffic generation and providing for sufficient OPEN SPACE and off-STREET parking areas. The provisions should be interpreted as permitting the Transfer of Development Rights within the North Acton Village District, but not as permitting an increase in the total amount of maximum development in that District.

5.5C.1.2 Transfer of Development Rights Within the North Acton Village District

- a) For a LOT in the North Acton Village District, the Board of Selectmen may grant a Special Permit for the Transfer of Development Rights within the District. The effect of such Special Permit shall be to permit an increase in NET FLOOR AREA above the total amount permitted by:
- i. the applicable maximum FLOOR AREA RATIO set forth in the Table of Standard Dimensional Regulations, and**
 - ii. if applicable, any Certificate of Development Rights previously transferred to the LOT from within or from outside the District.**
- b) Any such increase in NET FLOOR AREA shall be compensated by an equal reduction in the maximum NET FLOOR AREA for another LOT in the North Acton Village District.

5.5C.1.3 Standards of Review – In deciding on the merits of a proposal for Transfer of Development Rights within the North Acton Village District, the Board of Selectmen shall consider the following criteria and objectives:

- a) Increased density on a LOT should support a sense of community through a concentration of a variety of USES; therefore, density increases should be granted only where such concentrations are compatible with surrounding USES. The implementation of this provision should tend to facilitate the development of a viable village center through the grouping of higher density USES around an identifiable core, such as a plaza, common or other municipal facility.

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- b) In addition, the Transfer of Development Rights should serve a public purpose on the LOT from which development rights are to be transferred, by providing shared off-STREET parking, usable public or semi-public OPEN SPACE or other public amenities.
- c) The Board of Selectmen shall grant a Special Permit for the Transfer of Development Rights within the North Acton Village District only if it can make appropriate findings that the criteria and objectives of a) and b) are promoted by granting the transfer.

5.5C.1.4 Administration

- a) Determination of Development Rights for Affected LOTS – Before granting a Special Permit under Section 5.5C.1, the Board of Selectmen shall determine the Development Rights for all LOTS to be affected by the proposed transfer. The Special Permit shall specify the residential, nonresidential, and total development rights for each LOT, expressed in NET FLOOR AREA as computed in Section 10.4.3.8 of this Bylaw, less any development rights previously removed from such LOTS. The application for a Special Permit under this Section shall contain sufficient information to permit the Board of Selectmen's determination of the development rights that may be transferred.
- b) The Board of Selectmen shall require that upon transfer of the development rights authorized in its special permits, the owner of a LOT from which development rights have been removed, shall file with the Middlesex South District Registry of Deeds or the Land Court (as applicable) an irrevocable restrictive covenant, approved by the Board of Selectmen, running with the land, permanently restricting the development of the LOT. The covenant shall restrict the LOT by the amount of development rights transferred to another LOT, permitting only the amount of development rights that remain on the LOT, if any, all as specified in the Special Permit authorizing the transfer.
- c) Implementation of Transfer – Following the approval of a Special Permit under this Section, the applicant shall complete the transfer procedures set forth in Sections 5.4.4 and 5.4.5, except that the formulas in Section 5.4.4.2 shall not apply to transfers within the North Acton Village District.

5.5C.2 STREET reservations in the North Acton Village District – In the North Acton Village District, a Special Permit or Site Plan Special Permit Granting Authority may require the reservation of STREET rights of way for all purposes, for which public STREETS and ways are used in the Town of Acton. It may further require that new STREETS be constructed following approval in accordance with MGL Ch. 41, s. 81K - 81GG and the Acton Subdivision Rules and Regulations to connect with existing approved STREETS. Where such STREET rights of way are reserved, the FLOOR AREA RATIO on the remaining land shall be calculated by including the rights of way reserved hereunder, including any necessary easements, in the DEVELOPABLE SITE AREA.

, or take any other action relative thereto.

SUMMARY

Part A of this article would establish a menu of options to increase density in the East Acton Village District above the base density of 0.20 Floor Area Ratio. As the purpose statement in the article explains, the goal is to help distinguish East Acton Village aesthetically from the rest of the development along Great Road (Route 2A); to keep it compact; to maintain its historic structures; to increase business

variety; to promote a pedestrian-friendly village environment; to encourage affordable housing; and to promote environmentally sustainable designs and construction methods. The density incentives offered in this section are intended to entice property owners to redevelop their properties in accordance with the design provisions of the previous article, and to help overcome redevelopment obstacles, such as cost of redevelopment and loss of income during construction time.

A special permit will be required for increases in density under four options, which may be chosen individually or combined in different ways:

- Transfer of Development Rights (TDRs) from properties along Great Road outside of East Acton Village and from within the village district. These are present options in the zoning bylaw. New is a proposed bonus for transferring development rights from parcels along Nashoba Brook.
- Preservation of historic structures certified by the Acton Historical Commission to be on Acton's Cultural Resources Inventory. As a penalty for the willful destruction of historic structures, the article proposes a 25-year freeze on any additional floor area on the affected lot.
- At least 10% affordable housing on the site.
- U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) program certification. LEED is a "consensus-based national standard for developing high-performance, sustainable buildings." It is a point-based system, in which projects get points for complying with certain standards that the United States Green Building Council has set forth in six areas. These areas are sustainable sites, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality, and innovation in design. LEED is encouraged in the East Acton Village district in an effort to ensure that new development and redevelopment is undertaken with an eye toward a sustainable future for the village.

Whichever options are chosen or combined, the maximum density is capped at a Floor Area Ratio of 0.50. Vehicle parking, open space, and waste water management requirements impact the development potential of properties in different ways. Therefore, not all properties may be able to achieve the maximum density level. Density in East Acton Village is not an end in itself, but a prerequisite to achieve the critical mass required for a vibrant village.

Part B would modify an existing footnote in the Table of Standard Dimensional Regulations to reflect the changes and additions to the variable density provisions for East Acton Village.

Part C: Because Part A of this article would establish separate variable density provisions for the East Acton Village District, Part C would modify the existing "Variable Density Provisions for North Acton and East Acton Village Districts" to apply only to the North Acton Village District. In addition, Part C would renumber the existing sections 5.5.3 and 5.5.5 to complete the new section numbering system begun in the previous article.

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Finance Committee:

Planning Board: Recommended

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To see if the Town will vote to amend the zoning bylaw, section 6, as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

A. Delete section 6.9.1 and its subsections, and replacing them with the following new sections 6.9.1 and 6.9.2.

6.9.1 In the EAV District, except as otherwise provided herein, no BUILDING or STRUCTURE shall be located on any LOT and no activity shall be conducted upon any LOT unless off-STREET parking is provided in accordance with the following requirements:

6.9.1.1 No off-STREET parking spaces shall be established between the front line of the principal BUILDING and the sideline of a STREET, except as may be provided otherwise in the Design Provisions for the East Acton Village District.

6.9.1.2 Required off-STREET parking for a USE may be provided on any LOT within the same Zoning District as the USE, but not necessarily on the same LOT as the USE.

6.9.1.3 Connection of Parking – A Special Permit Granting Authority shall require that all parking facilities be connected by a common driveway to the parking facilities of all adjacent USES and to all adjacent land in the EAV and EAV-2 Districts, unless it finds that physical constraints, present site configuration, uncooperative abutters, or land vacancy precludes strict compliance. In such cases, the site and the parking facility shall be designed to provide for the future construction of common driveways. For the purposes of this section, common driveway shall be defined as a driveway that is shared by two or more LOTS and located at least partially within the required setback areas of such LOTS. Such a common driveway can be either a shared ACCESS driveway to a STREET, or a driveway to a STREET, or a driveway connecting such LOTS with each other.

6.9.1.4 Number of Parking Spaces – The minimum number of required parking spaces shall be 70% of the requirements in Section 6.3.1. In the case of collective use of a parking facility in accordance with Section 6.9.1.5 below, the minimum number of required parking spaces shall be 50% of the requirements in Section 6.3.1.

6.9.1.5 Collective Use of Parking Facilities – Off-STREET parking facilities may serve, collectively or jointly, different USES located throughout the EAV District where such a collective use of the parking facility is based on a written agreement that: 1) assures the continued collective use; 2) states the number of parking spaces allocated to each participating USE; and 3) assures ACCESS to and maintenance of the common parking facility. The parking spaces provided through the collective use of parking facilities shall be counted towards the minimum required number of spaces for the participating USES applying the discount as set forth in Section 6.9.1.4 above.

6.9.1.6 Structured Parking shall not be allowed except under ground.

6.9.1.7 The parking lot design requirements of section 6.7 shall apply in the EAV District, except that:

a) The requirements for parking lot cells and separation of cells (section 6.7.1) shall not apply.

b) The requirements for set-backs (section 6.7.2) shall not apply. This does not waive the requirements for perimeter landscaping (section 6.7.6).

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- c) The interior area landscaping (section 6.7.7) may be substituted with one or more consolidated bioretention areas with minimum side dimensions measuring at least 38 X 12 feet each. Bioretention areas shall be designed and landscaped to trap and mitigate runoff from paved surfaces consistent with the description and intent of EPA Storm Water Technology Fact Sheet – Bioretention (EPA 832-F-99-012, September 1999), or equivalent. The landscaping requirements of sections 6.7.8.1 through 6.7.8.5 shall not apply to bioretention areas. Bioretention areas may be sited anywhere in the parking lot that is convenient to manage parking lot traffic and facilitate pedestrian use, including adjacent to and connecting with vegetated areas on the perimeter of a parking lot. Bioretention areas shall be considered part of the minimum required OPEN SPACE.

6.9.2 In the NAV District, the following special provisions for parking shall apply:

- 6.9.2.1 No off-STREET parking spaces shall be established between the front line of the principal BUILDING and the sideline of a STREET.
- 6.9.2.2 The Board of Selectmen may authorize by special permit an off-STREET parking lot or STRUCTURE not located upon the same LOT with the associated USE, provided said parking lot or STRUCTURE lies also within the NAV District.

And renumber existing sections 6.9.2, 6.9.3, and 6.9.4, including their subsections, to become section 6.9.3, 6.9.4, and 6.9.5, including their subsections, respectively.

*[Note: Section 6.9.1 and its subsections currently read as follows:
6.9.1 NAV and EAV Districts.*

6.9.1.1 In the NAV and EAV Districts, the Board of Selectmen may authorize by special permit an off-STREET parking lot or STRUCTURE not located upon the same LOT with the associated USE, provided said parking lot or STRUCTURE lies within the same Village District as the BUILDING it is intended to serve.

6.9.1.2 In the NAV and EAV Districts, no off-STREET parking spaces shall be established between the front line of the principal BUILDING and the sideline of a STREET.]

B. Delete section 5.5.4 and insert a new section 6.9.2.3 as follows:

- 6.9.2.3 The number of parking spaces to be provided for a mixed-USE development in the North Acton Village District shall be equal to 85 percent of the sum of the number of parking spaces for each USE on the LOT, determined separately for each USE based upon the standards set forth in Section 6.

*[Note: Section 5.5.4 currently reads:
5.5.4 Off-STREET Parking Discount for Mixed USES in the North Acton and East Acton Village Districts – The number of parking spaces to be provided for a mixed-USE development in the North Acton and East Acton Village Districts shall be equal to 85 percent of the sum of the number of parking spaces for each USE on the LOT, determined separately for each USE based upon the standards set forth in Section 6.]*

, or take any other action relative thereto.

SUMMARY

Section 6 of the zoning bylaw addresses vehicle parking standards. Part A of this article would establish distinct vehicle parking standards for East Acton Village. It would reduce the number of parking spaces required for businesses in East Acton Village (EAV) to 70% of the requirement elsewhere, and allow the number of parking spaces required for business in EAV to be reduced to 50% of the requirement if parking is shared with other businesses. One of the goals of the East Acton Village Plan is to make the village more pedestrian and bicycle friendly. This article would encourage people visiting EAV to either walk to the village, or to park in one place and complete all their errands and activities on foot. Another goal of the East Acton Village Plan is to enhance the appearance of the village. The sight of continuous parking areas is aesthetically displeasing and does not create the effect of a village center. If adopted, this

article could also reduce driveway curb cuts along Great Road, potentially reducing traffic turning movements and conflicts between pedestrians or bicyclists and vehicles. Furthermore, research has shown that stream degradation could occur at relatively low levels of impervious cover such as parking lot pavement. Allowing fewer parking spaces would minimize impervious cover for the benefit of nearby Nashoba Brook.

The article also proposes to prohibit above-ground structured parking within the East Acton Village district. Structured parking can detract from the sense of village.

If adopted, this article would also allow the consolidation of required parking lot landscaped areas into parking lot runoff bioretention areas. Bioretention areas use plants to remove pollutants from stormwater runoff. The consolidation of landscaped islands is encouraged in East Acton Village parking lots to trap and mitigate runoff from paved parking areas, create additional contiguous green space improving aesthetics and encouraging wildlife, and minimize land disturbance during development and redevelopment. Bioretention areas may be sited in such a way as to aid in traffic calming and encourage pedestrian use. They may be adjacent to and connecting with vegetated areas on the perimeter of a lot.

Part B of this article would amend section 5.5.4, which relates to parking standards, to apply only to the North Acton Village District, and relocate it to become new section 6.9.2.3 so that it is grouped with other parking standards for North Acton Village.

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Board of Selectmen:

Finance Committee:

Planning Board: Recommended

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To see if the Town will vote to amend section 7 of the zoning bylaw as follows *[Notes in italic print are not part of the article but are intended for explanation only]*:

I. Delete section 7.4.1 and replace it with a new section 7.4.1 as follows:

- 7.4.1 Design – In the Village Districts no visible portion or exterior surface of any SIGN shall be made of plastic, other petroleum based products, or sheet metal, except that in the EAV District such materials may be used provided that the visible portions and exterior surfaces of a SIGN have a wooden appearance.

[Note: Section 7.4.1 currently reads:

7.4.1 Design – In the Village Districts no visible portion or exterior surface of any SIGN shall be made of plastic, other petroleum based product or sheet metal.]

J. Delete section 7.4.3.5 and replace it with a new sections 7.4.3.5 and 7.4.3.6 as follows:

- 7.4.3.5 In the EAV District, PROJECTING SIGNS, AWNING SIGNS, WALL SIGNS and FREESTANDING SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c), or from an external light source with the light projected downward from above.
- 7.4.3.6 In all other Village Districts, PROJECTING SIGNS and AWNING SIGNS shall not be illuminated, WALL SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c), and FREESTANDING SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c) or from an external light source.

And, renumber existing sections 7.4.3.6 and 7.4.3.7 to become sections 7.4.3.7 and 7.4.3.8 respectively.

[Note: Section 7.4.3.5 currently reads:

7.4.3.5 In the Village Districts, PROJECTING SIGNS and AWNING SIGNS shall not be illuminated, WALL SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c), and FREESTANDING SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c) or from an external light source.]

K. Delete section 7.4.5.1 and replace it with a new section 7.4.5.1 as follows:

- 7.4.5.1 Where more than one SIGN is permitted for a PRINCIPAL USE, a combination of not more than two of the following types of SIGNS shall be permitted per PRINCIPAL USE: WALL SIGN, PROJECTING SIGN, AWNING SIGN, and FREESTANDING SIGN. However, in the EAV District, a combination of up to three such SIGN types shall be permitted per PRINCIPAL USE. This section does not apply to any SIGN that does not require a SIGN Permit as listed in Section 7.5, or to an off-premises directional SIGN permitted under Section 7.9, or to a special event SIGN permitted under Section 7.10.

[Note: Section 7.4.5.1 currently reads:

7.4.5.1 Where more than one SIGN is permitted for a PRINCIPAL USE, a combination of not more than two of the following types of SIGNS shall be permitted per PRINCIPAL USE: WALL SIGN, PROJECTING SIGN, AWNING SIGN, and FREESTANDING SIGN; not including any SIGN which does not require a SIGN Permit as listed in Section 7.5 or an off-

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premises directional SIGN permitted under Section 7.9 or a special event SIGN permitted under Section 7.10.]

- L. Delete the 5th sentence of section 7.7.6 and replace it with the following new sentence:

“Except in the EAV District, if the AWNING SIGN is ERECTED on an awning manufactured with canvas on a frame that is retractable to the wall, one additional EXTERIOR SIGN, which may be a WALL SIGN or a PROJECTING SIGN, shall be permitted on the BUILDING for the same PRINCIPAL USE.”

[Note: The 5th sentence of section 7.7.6 currently reads:

”If the AWNING SIGN is ERECTED on an awning manufactured with canvas on a frame that is retractable to the wall, one additional EXTERIOR SIGN, which may be a WALL SIGN or a PROJECTING SIGN, shall be permitted on the BUILDING for the same business USE.”]

- M. Before the last sentence of section 7.7.7 insert the following sentence:

“In the EAV District, an additional secondary EXTERIOR SIGN shall be permitted on the front wall of the PRINCIPAL USE, provided that it is of a different type (WALL SIGN, PROJECTING SIGN, or AWNING SIGN) than any other SIGN on the front wall.”

[Note: Section 7.7.7 currently reads:

7.7.7 Secondary EXTERIOR SIGNS – If a business has a direct entrance into the business in a wall other than the front wall, there may be a secondary WALL SIGN, PROJECTING SIGN or AWNING SIGN affixed to such wall at such entrance; and if the business has a wall other than the front wall without a direct entrance to the business that faces upon a STREET or parking area, there may be a secondary WALL SIGN affixed to such wall; provided, however, that no business shall have more than two secondary EXTERIOR SIGNS in any event. The DISPLAY AREA of any secondary EXTERIOR SIGN shall not exceed 6 square feet.]

- N. Delete the first sentence in section 7.8.6.2 and replace it with the following new sentences:

“Where a FREESTANDING SIGN identifies a business in the NAV, SAV, or WAV Districts, no EXTERIOR SIGN shall be ERECTED on the same LOT. Where a FREESTANDING SIGN identifies a business in the EAV District, one EXTERIOR SIGN shall be permitted.”

[Note: Section 7.8.6.2 applies to village zoning districts. Its first sentence currently reads:

“Where a FREESTANDING SIGN identifies a business, no EXTERIOR SIGN shall be ERECTED on the same LOT.”]

, or take any other action relative thereto.

SUMMARY

This article would amend the regulations for signs in the East Acton Village zoning district. It would allow the use of “gooseneck” lamps, or lighting from above, for external lighting of signs (currently gooseneck lighting is only allowed for freestanding signs in the village district). If adopted, this article would allow businesses to choose a maximum of four exterior signs provided that there are not more than two types of signs on the front wall of the business. If a business chooses to use a freestanding sign, the proposed article would limit the site to one other sign on the building, whereas currently no additional sign is allowed. This article would also allow, in addition to the current allowed material for signs in the village, the use of “wood appearance” signs. It is anticipated that these changes, if adopted, would update and improve East Acton Village signage to aid local businesses and patrons.

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Direct Inquiries to: Roland Bartl, Town Planner – planning@acton-ma.gov – (978) 264-9636
Selectman assigned: - E-mail: bos@acton-ma.gov

Board of Selectmen:

Finance Committee:

Planning Board: **Recommended**

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To see if the Town will vote to amend the zoning bylaw, section 10, as follows *[Notes in italic print are not part of the article but are intended for explanation only]:*

A. Delete the lead paragraph of section 10.4.1.1 and replace it with a new lead paragraph 10.4.1.1;

10.4.1.1 In the EAV, SAV, and WAV Districts, a Site Plan Special Permit shall be required in all instances.

[Note: Section 10.4.1.1 currently reads:

10.4.1.1 In the WAV and SAV Districts, a Site Plan Special Permit shall be required in all instances

1) for the initial development of land specified in Section 3, Table of PRINCIPAL USES as requiring a Site Plan Special Permit and for all ACCESSORY USES thereto, or

2) where the NET FLOOR AREA of an existing BUILDING is increased 500 square feet or more for USES designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES, or

3) where a USE designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES is expanded in ground area by 500 square feet or more of either impervious material, open storage or any area of the site devoted to the conduct of the PRINCIPAL or ACCESSORY USE.]

Deleted: by deleting the lead paragraph of section 10.4.1.1 and replacing it with a new lead paragraph 10.4.1.1 as follows

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B. Insert a new section 10.4.3.11 as follows:

10.4.3.11 Special Provisions Applicable to the EAV District – In the EAV District the site and BUILDING design shall be in compliance with Section 5.5B of this Bylaw.

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, or take any other action relative thereto.

SUMMARY

If adopted, this article would subject all development or building expansions greater than 500 square feet in the East Acton Village zoning district to a site plan special permit, and thus be required to adhere to the Special Design Provisions for East Acton Village. In more densely settled areas such as villages, small projects and additions can have a proportionately greater functional and visual impact than in other commercial and industrial areas. This article would better ensure that new development within the East Acton Village zoning district would occur in a manner consistent with East Acton Village character as described in the Special Provisions and the East Acton Village Plan. If adopted, this article would also allow property and business owners to maintain their properties and make minor changes or renovations without sustaining the potential financial burden that could occur if the entire site had to be redeveloped at one time.

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Board of Selectmen:

Finance Committee:

Planning Board: Recommended

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